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STATES-113th Cong., 1st Sess.
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oposed by Mr. Hoeven (for McCain, Mr. Graham, Mr. Ayotte, Mr. Heller, Mr. Donnelly, Mr. Pryor, Mr. and Mr. Hatch)
, strike line 12 and all that
e 19, and insert the following:
AL.—Except as provided in
the Secretary may not ad-
liens who have been granted
nal immigrant status, except
blue card status under sec-
Act or described in section

245D(b) of the Immigration and Nationality

Act, until 6 months after the date on which the

1	Secretary, after consultation with the Attorney
2	General, the Secretary of Defense, the Inspec-
3	tor General of the Department, and the Comp-
4	troller General of the United States, submits to
5	the President and Congress a written certifi-
6	cation that—
7	(i) the Comprehensive Southern Bor-
8	der Security Strategy—
9	(I) has been submitted to Con-
10	gress and includes minimum require-
11	ments described under paragraph (3),
12	(4), and (5), of section 5(a);
13	(II) is deployed and operational
14	(for purposes of this clause the term
15	"operational" means the technology,
16	infrastructure, and personnel, deemed
17	necessary by the Secretary, in con-
18	sultation with the Attorney General
19	and the Secretary of Defense, and the
20	Comptroller General of the United
21	States, and includes the technology
22	described under section $5(a)(3)$ to
23	achieve effective control of the South-
24	ern border has been procured, funded,
25	and in current use by the Department

1	to achieve effective control, except in
2	the event of routine maintenance, de
3	minimis non-deployment ,or natural
4	disaster that would prevent the use of
5	such assets);
6	(ii) the Southern Border Fencing
7	Strategy has been submitted to Congress,
8	implemented, and, as a result the Sec-
9	retary will certify that there is in place
10	along the Souther border no fewer than
11	700 miles of total constructed pedestrian
12	fencing, which will include replace of all
13	currently existing vehicle fencing on non-
14	tribal lands on the Southern border with
15	pedestrian fencing where possible, and
16	after this has been accomplished may in-
17	clude a second layer of pedestrian fencing
18	in those locations along the Souther border
19	which the Secretary deems necessary or
20	appropriate;
21	(iii) the Secretary has implemented
22	the mandatory employment verification
23	system required by section 274A of the
24	Immigration and Nationality Act (8 U.S.C.
25	1324a), as amended by section 3101, for

1	use by all employers to prevent unauthor-
2	ized workers from obtaining employment in
3	the United States;
4	(iv) the Secretary is using the elec-
5	tronic exit system created by section
6	3303(a)(1) at all international air and sea
7	ports of entry within the United States
8	where U.S. Customs and Border Protec-
9	tion officers are currently deployed; and
10	(v) no fewer than 38,405 trained full-
11	time active duty U.S. Border Patrol agents
12	are deployed, stationed, and maintained
13	along the Southern Border.
14	On page 859, strike line 24 and all that follows
15	through page 860, line 6, and insert the following:
16	(a) Establishment.—
17	(1) In general.—No later than the date that
18	is 1 year after the date of the enactment of this Act
19	there is established a commission to be known as the
20	"Southern Border Security Commission").
21	(2) Expenditures and report.—Only if the
22	Secretary cannot certify that the Department has
23	achieved effective control in all horder sectors for at

- 1 least 1 fiscal year before the date that is 5 year 2 after the date of the enactment of this Act— 3 (A) the report described in subsection (d) 4 shall be submitted; and 5 (B) 60 days after such report is submitted, 6 the funds made available in section 7 6(a)(3)(A)(iiii) may be expended (except as pro-8 vided in subsection (i)). On page 861, line 9, strike "4 members," and insert 9 "5 members, consisting of 1 member from the South-10 western State of Nevada and". 11 12 On page 861, strike lines 15 through 23 and insert the following: 13 14 (2) QUALIFICATIONS FOR APPOINTMENT.—The 15 members of the Commission shall be distinguished 16 individuals noted from their knowledge and expertise 17 in the field of border security at the Federal, State, 18 or local level and may also include reputable individ-19 uals who are landowners in the Souther border area 20 with first-hand experience with border issues.
- 21 (3) TIME OF APPOINTMENT.—The appoint-22 ments required by paragraph (1) shall be made not

1	later than 1 year after the date of the enactment of
2	this Act.
3	On page 862, strike line 11 and all that follows
4	through line 22 and insert the following:
5	(e) Duties.—
6	(1) In general.—The Commission's primary
7	responsibility shall be to make recommendations to
8	the President, the Secretary, and Congress on poli-
9	cies to achieve and maintain the border security goal
10	specified in section 3(b) by achieving and maintain-
11	ing—
12	(A) the capability to enage in, and engag-
13	ing in, persistent surveillance in border sectors
14	along the Southern border; and
15	(B) an effectiveness rate of 90 percent or
16	higher in all border sectors along the Southern
17	border.
18	(2) Public Hearings.—
19	(A) In general.—The Commission shall
20	convene at least 1 public hearing each year on
21	border security.
22	(B) Report.—The Commission shall pro-
23	vide a summary of each hearing convened pur-
24	suant to subparagraph (A) to the entities set

- out in subparagraphs (A) through (G) of sec-
- 2 tion 5(a)(1).
- 3 (d) Report.—If required pursuant to subsection
- 4 (a)(2)(B) and in no case earlier than the date that is 5
- 5 years after the date of the enactment of this Act, the Com-
- 6 On page 864, strike lines 6 and 6 and insert the fol-
- 7 lowing:
- 8 10 years after the date of the enactment of this Act.
- 9 (i) Funding.—The amounts made available under
- 10 section 6(a)(3)(A)(iii) to carry out programs, projects, and
- 11 activities recommended by the Commission may not be ex-
- 12 pended prior to the date that is 60 days after a report
- 13 required by subsection (d) is submitted and, in no case,
- 14 prior to 60 days after the date that is 5 years after the
- 15 date of the enactment of this Act, except that funds made
- 16 available under section 6(a)(3)(A)(iii) may be used for
- 17 minimal administrative expenses directly associated with
- 18 convening the public hearings required by subsection
- 19 (c)(2)(A) and preparing and providing summaries of such
- 20 hearings required by subsection (c)(2)(B).
- Beginning on page 864, strike line 11 and all that
- 22 follows through line 11 on page 866, and insert the fol-
- 23 lowing:

1	(a) COMPREHENSIVE SOUTHERN BORDER SECURITY
2	Strategy.—
3	(1) In general.—Not later than 180 days
4	after the date of the enactment of this Act, the Sec-
5	retary, in consultation with the Attorney General
6	and the Secretary of Defense, shall submit a strat-
7	egy, to be known as the "Comprehensive Southern
8	Border Security Strategy", for achieving and main-
9	taining effective control between and at the ports of
10	entry in all border sectors along the Southern bor-
11	der, to—
12	(A) the Committee on Homeland Security
13	and Governmental Affairs of the Senate;
14	(B) the Committee on Homeland Security
15	of the House of Representatives;
16	(C) the Committee on Appropriations of
17	the Senate;
18	(D) the Committee on Appropriations of
19	the House of Representatives;
20	(E) the Committee on the Judiciary of the
21	Senate;
22	(F) the Committee on the Judiciary of the
23	House of Representatives;
24	(G) the Committee on Armed Services of
25	the Senate;

1	(H) the Committee on Armed Services of
2	the House of Representatives; and
3	(I) the Comptroller General of the United
4	States.
5	(2) Elements.—The Comprehensive Southern
6	Border Security Strategy shall specify—
7	(A) the priorities that must be met for the
8	strategy to be successfully executed; and
9	(B) the capabilities required to meet each
10	of the priorities referred to in subparagraph
11	(A), including—
12	(i) surveillance and detection capabili-
13	ties developed or used by the various De-
14	partments and Agencies for the Federal
15	Government for the purposes of enhancing
16	the functioning and operational capability
17	to conduct continuous and integrated
18	manned or unmanned, monitoring, sensing,
19	or surveillance of 100 percent of Southern
20	border mileage or the immediate vicinity of
21	the Southern border;
22	(ii) the requirement for stationing suf-
23	ficient Border Patrol agents and Customs
24	and Border Protection officers between

1	and at ports of entry along the Southern
2	border; and
3	(iii) the necessary and qualified staff
4	and equipment to fully utilize available un-
5	armed, unmanned aerial systems and un-
6	armed, fixed wing aircraft.
7	(3) MINIMUM REQUIREMENTS.—The Com-
8	prehensive Southern Border Security Strategy shall
9	require, at a minimum, the deployment of the fol-
10	lowing technologies for each Border Patrol sector
11	along the Southern Border:
12	(A) ARIZONA (YUMA AND TUCSON SEC-
13	TORS).—For Arizona (Yuma and Tucson Sec-
14	tors) between ports of entry the following:
15	(i) 50 integrated fixed towers.
16	(ii) 73 fixed camera systems (with re-
17	location capability), which include Remote
18	Video Surveillance Systems.
19	(iii) 28 mobile surveillance systems
20	which include mobile video surveillance sys-
21	tems, agent-portable surveillance systems
22	and mobile surveillance capability systems
23	(iv) 685 unattended ground sensors
24	including seismic, imaging, and infrared.

1	(v) 22 handheld equipment devices,
2	including handheld thermal imaging sys-
3	tems and night vision goggles.
4	(B) San diego, california.—For San
5	Diego, California the following:
6	(i) Between ports of entry.—Be-
7	tween ports of entry the following:
8	(I) 3 integrated fixed towers.
9	(II) 41 fixed camera systems
10	(with relocation capability), which in-
11	clude Remote Video Surveillance Sys-
12	tems.
13	(III) 14 mobile surveillance sys-
14	tems, which include mobile video sur-
15	veillance systems, agent-portable sur-
16	veillance systems, and mobile surveil-
17	lance capability systems.
18	(IV) 393 unattended ground sen-
19	sors, including seismic, imaging, and
20	infrared.
21	(V) 83 handheld equipment de-
22	vices, including handheld thermal im-
23	aging systems and night vision gog-
24	gles.

1	(ii) At points of entry, check-
2	POINTS.—At points of entry, checkpoints
3	the following:
4	(I) 2 non-intrusive inspection sys-
5	tems, including fixed and mobile.
6	(II) 1 radiation portal monitor.
7	(III) 1 littoral detection & classi-
8	fication network.
9	(C) EL CENTRO, CALIFORNIA.—For E
10	Centro, California the following:
11	(i) Between ports of entry.—Be-
12	tween ports of entry the following:
13	(I) 66 fixed camera systems
14	(with relocation capability), which in-
15	clude Remote Video Surveillance Sys-
16	tems.
17	(II) 18 mobile surveillance sys-
18	tems, which include mobile video sur-
19	veillance systems, agent-portable sur-
20	veillance systems, and mobile surveil-
21	lance capability systems.
22	(III) 85 unattended ground sen-
23	sors, including seismic, imaging, and
24	infrared.

1	(IV) 57 handheld equipment de-
2	vices, including handheld thermal im-
3	aging systems and night vision gog-
4	gles.
5	(V) 2 sensor repeaters.
6	(VI) 2 communications repeaters.
7	(ii) At points of entry, check-
8	POINTS.—At points of entry, checkpoints
9	the following:
10	(I) 5 fiber-optic tank inspection
11	scopes.
12	(II) 1 license plate reader.
13	(III) 1 backscatter.
14	(IV) 2 portable contraband detec-
15	tors.
16	(V) 2 radiation isotope identifica-
17	tion devices.
18	(VI) 8 radiation isotope identi-
19	fication devices updates.
20	(VII) 3 personal radiation detec-
21	tors.
22	(VIII) 16 mobile automated tar-
23	geting systems.
24	(D) El Paso, Texas.—For El Paso,
25	Texas the following:

1	(i) Between ports of entry.—Be-
2	tween ports of entry the following:
3	(I) 27 integrated fixed towers.
4	(II) 71 fixed camera systems
5	(with relocation capability), which in-
6	clude Remote Video Surveillance Sys-
7	tems.
8	(III) 31 mobile surveillance sys-
9	tems, which include mobile video sur-
10	veillance systems, agent-portable sur-
11	veillance systems, and mobile surveil-
12	lance capability systems.
13	(IV) 170 unattended ground sen-
14	sors, including seismic, imaging, and
15	infrared.
16	(V) 24 handheld equipment de-
17	vices, including handheld thermal im-
18	aging systems and night vision gog-
19	gles.
20	(VI) 1 communications repeater.
21	(VII) 1 sensor repeater.
22	(VIII) 2 camera refresh.
23	(ii) At points of entry, check-
24	Points.—Between points of entry, check-
25	points the following:

1	(I) 4 non-intrusive inspection sys-
2	tems, including fixed and mobile.
3	(II) 23 fiber-optic tank inspection
4	scopes.
5	(III) 1 portable contraband de-
6	tectors.
7	(IV) 19 radiation isotope identi-
8	fication devices updates.
9	(V) 1 real time radioscopy
10	version 4.
11	(VI) 8 personal radiation detec-
12	tors.
13	(E) Big bend, texas.—For Big Bend,
14	Texas the following:
15	(i) Between ports of entry.—Be-
16	tween ports of entry the following:
17	(I) 7 fixed camera systems (with
18	relocation capability), which include
19	remote video surveillance systems.
20	(II) 29 mobile surveillance sys-
21	tems, which include mobile video sur-
22	veillance systems, agent-portable sur-
23	veillance systems, and mobile surveil-
24	lance capability systems.

1	(III) 1105 unattended ground
2	sensors, including seismic, imaging
3	and infrared.
4	(IV) 131 handheld equipment de-
5	vices, including handheld thermal im-
6	aging systems and night vision gog-
7	gles.
8	(V) 1 mid-range camera refresh
9	(VI) 1 improved surveillance ca-
10	pabilities for existing aerostat.
11	(VII) 27 sensor repeaters.
12	(VIII) 27 communications re-
13	peaters.
14	(ii) At points of entry, check-
15	POINTS.—At points of entry, checkpoints
16	the following:
17	(I) 7 fiber-optic tank inspection
18	scopes.
19	(II) 3 license plate readers, in-
20	cluding mobile, tactical, and fixed.
21	(III) 12 portable contraband de-
22	tectors.
23	(IV) 7 radiation isotope identi-
24	fication devices.

1	(V) 12 radiation isotope identi-
2	fication devices updates.
3	(VI) 254 personal radiation de-
4	tectors.
5	(VII) 19 mobile automated tar-
6	geting systems.
7	(F) Del Rio, Texas.—For Del Rio, Texas
8	the following:
9	(i) Between ports of entry.—Be-
10	tween ports of entry the following:
11	(I) 3 integrated fixed towers.
12	(II) 74 fixed camera systems
13	(with relocation capability), which in-
14	clude remote video surveillance sys-
15	tems.
16	(III) 47 mobile surveillance sys-
17	tems, which include mobile video sur-
18	veillance systems, agent-portable sur-
19	veillance systems, and mobile surveil-
20	lance capability systems.
21	(IV) 868 unattended ground sen-
22	sors, including seismic, imaging, and
23	infrared.
24	(V) 174 handheld equipment de-
25	vices, including handheld thermal im-

1	aging systems and night vision gog-
2	gles.
3	(VI) 26 mobile/handheld inspec-
4	tion scopes and sensors for check-
5	points.
6	(VII) 1 improved surveillance ca-
7	pabilities for existing aerostat.
8	(VIII) 21 sensor repeaters.
9	(IX) 21 communications repeat-
10	ers.
11	(ii) At points of entry, check-
12	POINTS.—At points of entry, checkpoints
13	the following:
14	(I) 4 license plate readers, in-
15	cluding mobile, tactical, and fixed.
16	(II) 13 radiation isotope identi-
17	fication devices updates.
18	(III) 3 mobile automated tar-
19	geting systems.
20	(IV) 6 land automated targeting
21	systems.
22	(G) Laredo, Texas.—For Laredo, Texas
23	the following:

1	(i) Between the ports of
2	ENTRY.—Between ports of entry the fol-
3	lowing:
4	(I) 2 integrated fixed towers.
5	(II) 69 fixed camera systems
6	(with relocation capability), which in-
7	clude remote video surveillance sys-
8	tems.
9	(III) 38 mobile surveillance sys-
10	tems, which include mobile video sur-
11	veillance systems, agent-portable sur-
12	veillance systems, and mobile surveil-
13	lance capability systems.
14	(IV) 573 unattended ground sen-
15	sors, including seismic, imaging, and
16	infrared.
17	(V) 124 handheld equipment de-
18	vices, including handheld thermal im-
19	aging systems and night vision gog-
20	gles.
21	(VI) 38 sensor repeaters.
22	(VII) 38 communications repeat-
23	ers.

1	(II) AT POINTS OF ENTRY, CHECK-
2	Points.—At points of entry, checkpoints
3	the following:
4	(I) 1 non-intrusive inspection sys-
5	tem.
6	(II) 7 fiber-optic tank inspection
7	scopes.
8	(III) 19 license plate readers, in-
9	cluding mobile, tactical, and fixed.
10	(IV) 2 backscatter.
11	(V) 14 portable contraband de-
12	tectors.
13	(VI) 2 radiation isotope identi-
14	fication devices.
15	(VII) 18 radiation isotope identi-
16	fication devices updates.
17	(VIII) 16 personal radiation de-
18	tectors.
19	(IX) 24 mobile automated tar-
20	geting systems.
21	(X) 3 land automated targeting
22	systems.
23	(H) RIO GRANDE VALLEY.—For Rio
24	Grande Valley the following:

I	(1) BETWEEN PORTS OF ENTRY.—Be-
2	tween ports of entry the following:
3	(I) 1 integrated fixed towers.
4	(II) 87 fixed camera systems
5	(with relocation capability), which in-
6	clude remote video surveillance sys-
7	tems.
8	(III) 27 mobile surveillance sys-
9	tems, which include mobile video sur-
10	veillance systems, agent-portable sur-
11	veillance systems, and mobile surveil-
12	lance capability systems.
13	(IV) 716 unattended ground sen-
14	sors, including seismic, imaging, and
15	infrared.
16	(V) 205 handheld equipment de-
17	vices, including handheld thermal im-
18	aging systems and night vision gog-
19	gles.
20	(VI) 4 sensor repeaters.
21	(VII) 1 communications repeater.
22	(VIII) 2 camera refresh.
23	(ii) At points of entry, check-
24	POINTS.—At points of entry, checkpoints
25	the following:

1	(I) 1 mobile non-intrusive inspec-
2	tion system.
3	(II) 11 fiberoptic tank inspection
4	scopes.
5	(III) 1 license plate reader.
6	(IV) 2 backscatter.
7	(V) 2 card reader system.
8	(VI) 8 portable contraband detec-
9	tors.
10	(VII) 5 radiation isotope identi-
11	fication devices.
12	(VIII) 18 radiation isotope iden-
13	tification devices updates.
14	(IX) 135 personal radiation de-
15	tectors.
16	(iii) Air and marine across the
17	SOUTHWEST BORDER.—For air and ma-
18	rine across the southwest border the fol-
19	lowing:
20	(I) 4 unmanned aircraft systems.
21	(II) 6 VADER radar systems.
22	(III) 17 UH–1n helicopters.
23	(IV) 8 C-206H aircraft up-
24	grades.

1	(V) 8 AS-350 light enforcement
2	helicopters.
3	(VI) 10 Blackhawk helicopter 10
4	A–L conversions, 5 new Blackhawk M
5	Model.
6	(VII) 30 marine vessels.
7	(4) Redeployment of resources to
8	ACHIEVE EFFECTIVE CONTROL.—The Secretary may
9	reallocate the personnel, infrastructure, and tech-
10	nologies required in the Southern Border Security
11	Strategy to achieve effective control of the Southern
12	border.
13	(5) ALTERNATE TECHNOLOGY.—If the Sec-
14	retary determines that an alternate or new tech-
15	nology is at least as effective as the technologies de-
16	scribed in paragraph (3) and provides a commensu-
17	rate level of security, the Secretary may deploy that
18	technology in its place and without regard to the
19	minimums in this section. The Secretary shall notify
20	Congress within 60 days of any such determination
21	(6) Annual Report.—Beginning 1 year after
22	the enactment of this Act, and annually thereafter
23	the Secretary shall provide to Congress a written re-
24	port to Congress on the sector-by-sector deployment
25	of infrastructure and technologies

- 1 On page 870, line 8, insert "700 miles of" before 2 "fencing".
- 3 On page 872, line 14, strike "\$8,300,000,000" and 4 insert "\$46,300,000,000".
- On page 874, line 19, strike "4408" and insert"4409".
- 7 On page 876, line 3, strike the period at the end and insert "; provided that the Secretary shall adjust the 9 amounts of the fees and penalties set out under subparagraph (B), except for the fines and penalties referred to 11 in clauses (ii), (iii), (iv), or (xviii) of such subparagraph to result in no less than \$500,000,000 being available for 13 fiscal year 2014 and \$1,000,000,000 for fiscal years 2015 through 2023 for appropriations for activities authorized 15 under this Act. If the Secretary determines that adjusting the fees and penalties set out under subparagraph (B) will 16 17 be insufficient or impractical to cover the costs of the man-18 datory enforcement expenditures in this Act, the Secretary 19 may charge an additional surcharge on every immigrant 20 and nonimmigrant petition filed with the Secretary in an

amount designed to be the minimum proportional sur-

- 1 charge necessary to recover the annual mandatory enforce-
- 2 ment expenditures in this legislation.".
- 3 Before the current page 876, between lines 7 and 8,
- 4 insert the following:
- 5 (i) \$30,000,000 shall remain
- 6 available for the 10-year period beginning
- 7 on the date specified in paragraph (2)(A)
- 8 for use by the Secretary in hiring and de-
- 9 ploying 19,200 additional trained full-time
- 10 active duty U.S. Border Patrol agents
- along the Southern Border;
- 12 On page 876, line 8, strike "\$3,000,000,000" and in-
- 13 sert "\$4,500,000,000".
- On page 876, line 21, insert before the semicolon the
- 15 following: ", and for the administrative expenses directly
- 16 associated with convening the public hearings required by
- 17 section 3(c)(2)(A) and preparing and providing summaries
- 18 of such hearings required by section 3(c)(2)(B)".
- 19 On page 876, line 22, strike "\$1,500,000,000" and
- 20 insert "\$8,000,000,000".

- 1 On page 877, line 4, strike "\$1,000,000,000" and in-
- 2 sert "\$7,500,000,000".
- 3 On page 879, line 5, strike "Act." and insert "Act,
- 4 including the costs, including pay and benefits, associated
- 5 with the additional personnel required by section 1102.".
- 6 On page 896, strike line 11, and insert the following:
- 7 TITLE I—BORDER SECURITY
- 8 AND OTHER PROVISIONS
- 9 Subtitle A—Border Security
- On page 897, strike lines 5 and 6, and insert the fol-
- 11 lowing:
- 12 SEC. 1102. ADDITIONAL U.S. BORDER PATROL AND U.S. CUS-
- 13 TOMS AND BORDER PROTECTION OFFICERS.
- On page 897, strike lines 7 through 13, and insert
- 15 the following:
- 16 (a) U.S. BORDER PATROL.—Not later than Sep-
- 17 tember 30, 2021, the Secretary shall increase the number
- 18 of trained full-time active duty U.S. Border Patrol agents
- 19 deployed to the Southern border to 38,405.
- 20 (b) U.S. Customs and Border Protection.—Not
- 21 later than September 30, 2017, the Secretary shall in-

- 1 crease the number of trained U.S. Customs and Border
- 2 Protection officers by 3,500, compared to the number of
- 3 such officers as of the date of the enactment of this Act.
- 4 The Secretary shall make progress in increasing such
- 5 number of officers during each of the fiscal years 2014
- 6 through 2017. In allocating any new officers to inter-
- 7 national land ports of entry and high volume international
- 8 airports, the primary goals shall be to increase security
- 9 and reduce wait times of commercial and passenger vehi-
- 10 cles at international land ports of entry and primary proc-
- 11 essing wait times at high volume international airports by
- 12 50 percent by fiscal year 2104 and screening all air pas-
- 13 sengers within 45 minutes under normal operating condi-
- 14 tions or 80 percent of passengers within 30 minutes by
- 15 fiscal year 2016. The Secretary shall make progress in in-
- 16 creasing such number of officers during each of the fiscal
- 17 years 2014 through 2017.
- 18 (c) Air and Marine Unmanned Aircraft Sys-
- 19 TEMS CREW.—Not later than September 30, 2015, the
- 20 Secretary shall increase the number of trained U.S. Cus-
- 21 toms and Border Protection Air and Marine unmanned
- 22 aircraft systems crew, marine agent, and personnel by 160
- 23 compared to the number of such officers as of the date
- 24 of the enactment of this Act. The Secretary shall increase

- 1 and maintain Customs and Border Protection Office of
- 2 Air and Marine flight hours to 130,000 annually.
- 3 On page 898, line 15, strike "Act." and insert "Act,
- 4 for the purpose of implementing section 1102(a) of such
- 5 Act.".
- 6 On page 898, after line 22, add the following:
- 7 (e) Recruitment of Former Members of the
- 8 Armed Forces and Members of Reserve Compo-
- 9 NENTS OF THE ARMED FORCES.—
- 10 (1) REQUIREMENT FOR PROGRAM.—The Sec-
- 11 retary, in conjunction with the Secretary of Defense,
- shall establish a program to actively recruit members
- of the reserve components of the Armed Forces and
- 14 former members of the Armed Forces, including the
- reserve components, to serve in United States Cus-
- toms and Border Protection and United States Im-
- migration and Customs Enforcement.
- 18 (2) Recruitment incentives.—
- 19 (A) STUDENT LOAN REPAYMENTS FOR
- 20 UNITED STATES BORDER PATROL AGENTS WITH
- 21 A THREE-YEAR COMMITMENT.—Section 5379(b)
- of title 5, United States Code, is amended by
- adding at the end the following new paragraph:

1	"(4) In the case of an employee who is other-
2	wise eligible for benefits under this section and who
3	is serving as a full-time active-duty United States
4	border patrol agent within the Department of Home-
5	land Security—
6	"(A) paragraph (2)(A) shall be applied by
7	substituting '\$20,000' for '\$10,000'; and
8	"(B) paragraph (2)(B) shall be applied by
9	substituting '\$80,000' for '\$60,000'.".
10	(B) RECRUITMENT AND RELOCATION BO-
11	NUSES AND RETENTION ALLOWANCES FOR PER-
12	SONNEL OF THE DEPARTMENT OF HOMELAND
13	SECURITY.—The Secretary of Homeland Secu-
14	rity shall ensure that the authority to pay re-
15	cruitment and relocation bonuses under section
16	5753 of title 5, United States Code, the author-
17	ity to pay retention bonuses under section 5754
18	of such title, and any other similar authorities
19	available under any other provision of law, rule,
20	or regulation, are exercised to the fullest extent
21	allowable in order to encourage service in the
22	Department of Homeland Security.
23	(3) Report on recruitment incentives.—
24	(A) In general.—Not later than 90 days
25	after the date of the enactment of this Act, the

1	Secretary and the Secretary of Defense shall
2	jointly submit to the appropriate committees of
3	Congress a report including an assessment of
4	the desirability and feasibility of offering incen-
5	tives to members of the reserve components of
6	the Armed Forces and former members of the
7	Armed Forces, including the reserve compo-
8	nents, for the purpose of encouraging such
9	members to serve in United States Customs
10	and Border Protection and Immigration and
11	Customs Enforcement.
12	(B) Content.—The report required by
13	subparagraph (A) shall include—
14	(i) a description of various monetary
15	and non-monetary incentives considered for
16	purposes of the report; and
17	(ii) an assessment of the desirability
18	and feasibility of utilizing any such incen-
19	tive.
20	(4) Appropriate committees of congress
21	DEFINED.—The term "appropriate committees of
22	Congress' means—
23	(A) the Committee on Appropriations, the
24	Committee on Armed Services, and the Com-

1	mittee on Homeland Security and Govern-
2	mental Affairs of the Senate; and
3	(B) the Committee on Appropriations, the
4	Committee on Armed Services, and the Com-
5	mittee on Homeland Security of the House of
6	Representatives.
7	(f) Report.—Prior to the hiring and training of ad-
8	ditional U.S. Customs and Border Protection officers
9	under subsection (a), the Secretary shall submit to Con-
10	gress a report on current wait times at land, air, and sea
11	ports of entry, officer staffing at land, air, and sea ports
12	of entry and projections for new officer allocation at land
13	air, and sea ports of entry designed to implement sub-
14	section (a), including the need to hire non-law enforcement
15	personnel for administrative duties.
16	On page 903, beginning on line 5, strike "Not less"

- On page 903, beginning on line 5, strike "Not less" and all the follows through "border region." on line 12, and insert the following: "Grants under this subsection shall be allocated based on sector-specific border risk methodology, based on factors including threat, vulnerability, miles of border and other border-specific information.".
- On page 915, after line 23, insert the following:

1	(c) Distress Beacons.—
2	(1) In general.—The Commissioner of U.S.
3	Customs and Border Protection, working through
4	U.S. Border Patrol, shall—
5	(A) identify areas near the Northern bor-
6	der and the Southern border where migrant
7	deaths are occurring due to climatic and envi-
8	ronmental conditions; and
9	(B) deploy up to 1,000 beacon stations in
10	the areas identified pursuant to subparagraph
11	(A).
12	(2) Features.—Beacon stations deployed pur-
13	suant to paragraph (1) should—
14	(A) include a self-powering mechanism,
15	such as a solar-powered radio button, to signal
16	U.S. Border Patrol personnel or other emer-
17	gency response personnel that a person at that
18	location is in distress;
19	(B) include a self-powering cellular phone
20	relay limited to 911 calls to allow persons in
21	distress in the area who are unable to get to the
22	beacon station to signal their location and ac-
23	cess emergency personnel; and
24	(C) be movable to allow U.S. Border Pa-
25	trol to relocate them as needed—

1	(i) to mitigate migrant deaths;
2	(ii) to facilitate access to emergency
3	personnel; and
4	(iii) to address any use of the beacons
5	for diversion by criminals.
6	On page 922, line 13, insert "and tribal" after "bor-
7	der".
8	On page 923, line 9, strike "29" and insert "33".
9	On page 923, line 15, strike "12" and insert "14".
10	On page 923, between lines 20 and 21, insert the fol-
11	lowing:
12	(III) 2 tribal government offi-
13	cials;
14	On page 924, line 7, strike "17" and insert "19".
15	On page 924, between lines 12 and 13, insert the fol-
16	lowing:
17	(III) 2 tribal government offi-
18	cials;

1	On page	925,	line	8,	strike	"14"	and	insert	"16".
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2	On page 934, after line 25, insert the following:
3	SEC. 1116. OVERSIGHT OF POWER TO ENTER PRIVATE
4	LAND AND STOP VEHICLES WITHOUT A WAR-
5	RANT AT THE NORTHERN BORDER.
6	(a) In General.—Section 287(a) (8 U.S.C.
7	1357(a)) is amended—
8	(1) in paragraph (5), by redesignating subpara-
9	graphs (A) and (B) as clauses (i) and (ii), respec-
10	tively;
11	(2) by redesignating paragraphs (1) through
12	(3) as subparagraphs (A) through (C), respectively;
13	(3) by redesignating paragraphs (4) and (5) as
14	subparagraphs (F) and (G), respectively;
15	(4) in the matter preceding subparagraph (A),
16	as so redesignated—
17	(A) by inserting "(1)" before "Any offi-
18	cer ';
19	(B) by striking "Service" and inserting
20	"Department of Homeland Security"; and
21	(C) by striking "Attorney General" and in-
22	serting "Secretary of Homeland Security";

- (5) in paragraph (1)(C), as so redesignated, by inserting the following at the beginning: "except as provided in subparagraphs (D) and (E),"; (6) by inserting after paragraph (1)(C) the fol-lowing: "(D) with respect to the Northern border, as defined in section 1101 of the Border Security, Eco-
 - defined in section 1101 of the Border Security, Economic Opportunity, and Immigration Enforcement Act, within a distance of 25 air miles from the Northern border, or such distance from the Northern border as may be prescribed by the Secretary pursuant to paragraph (2) of this subsection, to board and search for aliens any vessel within the territorial waters of the United States and any railway car, aircraft, conveyance, or vehicle for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States;
 - "(E) with respect to the Northern border, as defined in section 1101 of the Border Security, Economic Opportunity, and Immigration Enforcement Act, within a distance of 10 air miles from the Northern border, or such distance from the Northern border as may be prescribed by the Secretary pursuant to paragraph (2) of this subsection, to have access to private lands, but not dwellings, for

- the purpose of patrolling the border to prevent the illegal entry of aliens into the United States;";
 - (7) by inserting after the flush text at the end of subparagraph (F), as so redesignated, the following:
 - "(2)(A)(i) The Secretary of Homeland Security may establish for a Northern border sector or district a distance less than or greater than 25 air miles, but in no case greater than 100 air miles, as the maximum distance from the Northern border in which the authority described in paragraph (1)(C) may be exercised, if the Secretary certifies that such a distance is necessary for the purpose of patrolling the Northern border to prevent the illegal entry of aliens into the United States, and justified by the considerations listed in subparagraph (B).
 - "(ii) The Secretary of Homeland Security may establish for a Northern border sector or district a distance less than or greater than 10 air miles, but in no case greater than 25 air miles, as the maximum distance from the Northern border of the United States in which the authority described in paragraph (1)(D) may be exercised, if the Secretary certifies that such a distance is necessary for the purpose of patrolling the Northern border to prevent

the illegal entry of aliens into the United States, and justified by the considerations listed in subparagraph (B).

"(B) In making the certifications described in subparagraph (A), the Secretary shall consider, as appropriate, land topography, confluence of arteries of transportation leading from external boundaries, density of population, possible inconvenience to the traveling public, types of conveyances used, reliable information as to movements of persons effecting illegal entry into the United States, effects on private property and quality of life for relevant communities and residents, consultations with affected State, local, and tribal governments, including the governor of any relevant State, and other factors that the Secretary considers appropriate.

"(C) A certification made under subparagraph
(A) shall be valid for a period of 5 years and may
be renewed for additional 5-year periods. If the Secretary finds at any time that circumstances no
longer justify a certification, the Secretary shall terminate the certification.

"(D) The Secretary shall report annually to the Committee on the Judiciary and Committee on Homeland Security and Governmental Affairs of the

1	Senate and the Committee on the Judiciary and
2	Committee on Homeland Security of the House of
3	Representatives the number of certifications made
4	under subparagraph (A), and for each such certifi-
5	cation, the Northern border sector or district and
6	reasonable distance prescribed, the period of time
7	the certification has been in effect, and the factors
8	justifying the certification.".
9	(b) Technical and Conforming Amendments.—
10	(1) Authorities without a warrant.—In
11	section 287(a) (8 U.S.C. 1357(a)), the undesignated
12	matter following paragraph (2), as added by sub-
13	section (a)(5), is amended—
14	(A) by inserting "(3)" before "Under regu-
15	lations";
16	(B) by striking "paragraph (5)(B)" both
17	places that term appears and inserting "sub-
18	paragraph (F)(ii)";
19	(C) by striking "(i)" and inserting "(A)";
20	(D) by striking "(ii) establish" and insert-
21	ing "(B) establish";
22	(E) by striking "(iii) require" and insert-
23	ing "(C) require"; and
24	(F) by striking "clause (ii), and (iv)" and
25	inserting "subparagraph (B), and (D)".

1	(2) Conforming Amendment.—Section
2	287(e) (8 U.S.C. 1357(e)) is amended by striking
3	"paragraph (3) of subsection (a)," and inserting
4	"subsection (a)(1)(D),".
5	On page 935, between lines 19 and 20, insert the fol-
6	lowing:
7	(5) the number of migrant deaths occurring
8	near the Northern border and the Southern border
9	and the efforts that have been undertaken to miti-
10	gate such deaths.
11	On page 937, strike lines 3 through 9, and insert the
12	following:
13	SEC. 1118. PROHIBITION ON NEW LAND BORDER CROSSING
14	FEES.
15	(a) In General.—Beginning on the date of the en-
16	actment of this Act, the Secretary shall not—
17	(1) establish, collect, or otherwise impose any
18	new border crossing fee on individuals crossing the
19	Southern border or the Northern border at a land
20	port of entry; or
21	(2) conduct any study relating to the imposition
22	of a border crossing fee.

- 1 (b) Border Crossing Fee Defined.—In this sec-
- 2 tion, the term "border crossing fee" means a fee that
- 3 every pedestrian, cyclist, and driver and passenger of a
- 4 private motor vehicle is required to pay for the privilege
- 5 of crossing the Southern border or the Northern border
- 6 at a land port of entry.
- 7 On page 942, between lines 17 and 18, insert the fol-
- 8 lowing:
- 9 SEC. 1122. MAXIMUM ALLOWABLE COSTS OF SALARIES OF
- 10 CONTRACTOR EMPLOYEES.
- 11 Section 4304(a)(16) of title 41, United States Code,
- 12 is amended by inserting before the period at the end the
- 13 following: ", except that in the case of contracts with the
- 14 Department of Homeland Security or the National Guard
- 15 while operating in Federal status that relate to border se-
- 16 curity, the limit on the costs of compensation of all execu-
- 17 tives and employees of contractors is the annual amount
- 18 payable under the aggregate limitation on pay as estab-
- 19 lished by the Office of Management and Budget (currently
- 20 \$230,700)".

Subtitle B—Other Matters

2	SEC. 1201. REMOVAL OF NONIMMIGRANTS WHO OVERSTAY
3	THEIR VISAS.
4	(a) In General.—Not later than 180 days after the
5	date of the enactment of this Act, the Secretary shall ini-
6	tiate removal proceedings, in accordance with chapter 4
7	of title II of the Immigration and Nationality Act (8
8	U.S.C. 1221 et seq.), confirm that immigration relief or
9	protection has been granted or is pending, or otherwise
10	close 90 percent of the cases of nonimmigrants who—
11	(1) were admitted to the United States as non-
12	immigrants after the date of the enactment of this
13	Act; and
14	(2) during the most recent 12-month period,
15	have entered the category of having exceeded their
16	authorized period of admission by more than 180
17	days.
18	(b) SEMIANNUAL REPORT.—Every 6 months after
19	the date of the enactment of this Act, the Secretary shall
20	submit a report to Congress that identifies—
21	(1) the total number of nonimmigrants who the
22	Secretary has determined have exceeded their au-
23	thorized period of admission by more than 180 days
24	after the date of the enactment of this Act, cat-
25	egorized by—

1	(A) the type of visa that authorized their
2	entry into the United States;
3	(B) their country of origin; and
4	(C) the length of time since their visa ex-
5	pired.
6	(2) an estimate of the total number of non-
7	immigrants who are physically present in the United
8	States and have exceeded their authorized period of
9	admission by more than 180 days after the date of
10	the enactment of this Act;
11	(3) for the most recent 6-month and 12-month
12	periods—
13	(A) the total number of removal pro-
14	ceedings that were initiated against non-
15	immigrants who were physically present in the
16	United States more than 180 days after the ex-
17	piration of the period for which they were law-
18	fully admitted; and
19	(B) as a result of the removal proceedings
20	described in paragraph (A)—
21	(i) the total number of removals pend-
22	ing;
23	(ii) the total number of non-
24	immigrants who were ordered to be re-
25	moved from the United States;

1	(iii) the total number of non-
2	immigrants whose removal proceedings
3	were cancelled; and
4	(iv) the total number of non-
5	immigrants who were granted immigration
6	relief or protection in removal proceedings.
7	(c) Estimated Population.—Each report sub-
8	mitted under subsection (b) shall include a comprehensive,
9	detailed explanation of and justification for the method-
10	ology used to estimate the population described in sub-
11	section (a).
12	SEC. 1202. VISA OVERSTAY NOTIFICATION PILOT PRO-
10	GRAM.
13	GILANI.
13 14	(a) Establishment of Pilot Program.—Not
14	
14 15	(a) Establishment of Pilot Program.—Not
141516	(a) ESTABLISHMENT OF PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act,
14151617	(a) ESTABLISHMENT OF PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to explore
14151617	(a) ESTABLISHMENT OF PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to explore the feasibility and effectiveness of notifying individuals
1415161718	(a) ESTABLISHMENT OF PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to explore the feasibility and effectiveness of notifying individuals who have traveled to the United States from a foreign na-
141516171819	(a) ESTABLISHMENT OF PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to explore the feasibility and effectiveness of notifying individuals who have traveled to the United States from a foreign nation that the terms of their admission to the United States
14 15 16 17 18 19 20	(a) ESTABLISHMENT OF PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to explore the feasibility and effectiveness of notifying individuals who have traveled to the United States from a foreign nation that the terms of their admission to the United States are about to expire, including individuals that entered with
14 15 16 17 18 19 20 21	(a) ESTABLISHMENT OF PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to explore the feasibility and effectiveness of notifying individuals who have traveled to the United States from a foreign nation that the terms of their admission to the United States are about to expire, including individuals that entered with a visa or through the visa waiver program.
14 15 16 17 18 19 20 21 22	(a) Establishment of Pilot Program.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to explore the feasibility and effectiveness of notifying individuals who have traveled to the United States from a foreign nation that the terms of their admission to the United States are about to expire, including individuals that entered with a visa or through the visa waiver program. (b) Requirements.—In establishing the pilot pro-

- dresses, as appropriate, of individuals traveling to the United States from a foreign nation; and
- 3 (2) randomly select a pool of participants in 4 order to form a statistically significant sample of 5 people who travel to the United States each year to 6 receive notification by telephone, email, or other 7 electronic means that the terms of their admission 8 to the United States is about to expire.
- 9 (c) Report.—Not later than 1 year after the date 10 on which the Secretary establishes the pilot program 11 under subsection (a), the Secretary shall submit to Congress a report on whether the telephone or email notifications have a statistically significant effect on reducing the 14 rates of visa overstays in the United States.

15 SEC. 1203. PREVENTING UNAUTHORIZED IMMIGRATION 16 TRANSITING THROUGH MEXICO.

- 17 (a) In General.—The Secretary of State, in coordi-18 nation with the Secretary of Homeland Security, shall de-19 velop, in consultation with the relevant Committees of 20 Congress, a strategy to address the unauthorized immigra-21 tion of individuals who transit through Mexico to the
- (b) REQUIREMENTS.—The strategy developed under
 subsection (a) shall include specific steps—

22

United States.

1	(1) to enhance the training, resources, and pro-
2	fessionalism of border and law enforcement officials
3	in Mexico, Honduras, El Salvador, Guatemala, and
4	other countries, as appropriate; and
5	(2) to educate nationals of the countries de-
6	scribed in paragraph (1) about the perils of the jour-
7	ney to the United States, including how this Act will
8	increase the likelihood of apprehension, increase
9	criminal penalties associated with illegal entry, and
10	make finding employment in the United States more
11	difficult.
12	(c) Implementation of Strategy.—In carrying
13	out the strategy developed under subsection (a)—
14	(1) the Secretary of Homeland Security, in con-
14 15	(1) the Secretary of Homeland Security, in con- junction with the Secretary of State, shall produce
15	junction with the Secretary of State, shall produce
15 16	junction with the Secretary of State, shall produce an educational campaign and disseminate informa-
15 16 17 18	junction with the Secretary of State, shall produce an educational campaign and disseminate informa- tion about the perils of the journey across Mexico,
15 16 17 18	junction with the Secretary of State, shall produce an educational campaign and disseminate informa- tion about the perils of the journey across Mexico, the likelihood of apprehension, and the difficulty of
15 16 17 18 19	junction with the Secretary of State, shall produce an educational campaign and disseminate informa- tion about the perils of the journey across Mexico, the likelihood of apprehension, and the difficulty of finding employment in the United States; and
15 16 17	junction with the Secretary of State, shall produce an educational campaign and disseminate informa- tion about the perils of the journey across Mexico, the likelihood of apprehension, and the difficulty of finding employment in the United States; and (2) the Secretary of State, in coordination with
15 16 17 18 19 20 21	junction with the Secretary of State, shall produce an educational campaign and disseminate informa- tion about the perils of the journey across Mexico, the likelihood of apprehension, and the difficulty of finding employment in the United States; and (2) the Secretary of State, in coordination with the Secretary of Homeland Security, shall offer—

1	practicable, Department of Homeland Security
2	personnel to conduct the training; and
3	(B) technical assistance and equipment to
4	border officials, including computers, document
5	readers, and other forms of technology that
6	may be needed, as appropriate.
7	(d) Availability of Funds.—The Secretary of
8	Homeland Security may use such sums as are necessary
9	from the Comprehensive Immigration Trust Fund estab-
10	lished under section $6(a)(1)$ to carry out this section.
11	On page 945, line 16, insert a comma after "status".
12	On page 945, line 25, insert a comma after "status".
13	On page 1031, after line 22, insert the following:
14	(d) Preclusion of Social Security Credits for
15	PERIODS WITHOUT WORK AUTHORIZATION.—
16	(1) Insured Status.—Section 214 of the So-
17	cial Security Act (42 U.S.C. 414) is amended by
18	adding at the end the following new subsection:
19	"(d) Insured Status.—
20	"(1) In general.—Subject to paragraphs (2)
21	and (3), for purposes of subsections (a) and (b), no
22	quarter of coverage shall be credited for any cal-
23	endar vear—

1	"(A) beginning after December 31, 2003,
2	and before January 1, 2014, with respect to an
3	individual who has been granted registered pro-
4	visional immigrant status pursuant to section
5	245B of the Immigration and Nationality Act;
6	or
7	"(B) beginning after December 31, 2003,
8	and before January 1, 2014, in which an indi-
9	vidual earned such quarter of coverage while
10	present under an expired nonimmigrant visa,
11	unless the Commissioner of Social Security deter-
12	mines, on the basis of information provided to the
13	Commissioner by the individual, that the individual
14	was authorized to be employed in the United States
15	during such quarter.
16	"(2) Exception.—Paragraph (1) shall not
17	apply to an individual who was assigned a social se-
18	curity account number before January 1, 2004.
19	"(3) Attestation of Work authoriza-
20	TION.—
21	"(A) In general.—For purposes of para-
22	graph (1), if an individual is unable to obtain
23	or produce sufficient evidence or documentation
24	that the individual was authorized to be em-
25	ployed in the United States during a quarter,

1	the individual may submit an attestation to the
2	Commissioner of Social Security that the indi-
3	vidual was authorized to be employed in the
4	United States during such quarter and that
5	sufficient evidence or documentation of such au-
6	thorization cannot be obtained by the indi-
7	vidual.
8	"(B) Penalty.—Any individual who
9	knowingly submits a false attestation described
10	in subparagraph (A) shall be subject to the pen-
11	alties under section 1041 of title 18, United
12	States Code.".
13	(2) Benefit computation.—Section 215(e) of
14	the Social Security Act (42 U.S.C. 415(e)) is
15	amended—
16	(A) in paragraph (1), by striking "and" at
17	the end;
18	(B) in paragraph (2), by striking the pe-
19	riod at the end and inserting "; and"; and
20	(C) by adding at the end the following:
21	"(3) in computing the average indexed monthly
22	earnings of an individual, there shall not be counted
23	any wages or self-employment income for any year
24	for which no quarter of coverage may be credited to

- such individual as a result of the application of section 214(d).".
- 3 (3) Conforming amendment.—Section
- 4 223(c)(1) of the Social Security Act (42 U.S.C.
- 5 423(c)(1)) is amended in the flush matter at the end
- 6 by inserting "the individual does not satisfy the cri-
- 7 terion specified in section 214(d) or" after "part of
- 8 any period if".
- 9 (4) Effective date.—The amendments made
- by this subsection shall apply to benefit applications
- filed on or after the date that is 180 days after the
- date of the enactment of this Act based on the
- wages or self-employment income of an individual
- with respect to whom a primary insurance amount
- has not been determined under title II of the Social
- 16 Security Act (42 U.S.C. 401 et seq.) before such
- date.
- On page 1147, strike lines 16 through 19, and insert
- 19 the following:
- 20 "(1) FISCAL YEARS 2015 THROUGH 2017.—Dur-
- 21 ing each of the fiscal years 2015 through 2017, the
- worldwide level
- Beginning on page 1147, line 24, strike "Beginning"
- 24 and all that follows through page 1148, line 2, and insert

1	"During	fiscal	year	2018	and	each	subsequent	fiscal
2	year,".							

3 Beginning on page 1154, strike line 21 and all that follows through page 1155, line 4, and insert the following: 4 5 "(6) APPLICATION PROCEDURES.— "(A) Submission.—During the 30-day pe-6 7 riod beginning on the first October 1 occurring 8 at least 3 years after the date of the enactment 9 of the Border Security, Economic Opportunity, 10 and Immigration Modernization Act, and dur-11 ing each 30-day period beginning on October 1 12 in subsequent years, eligible aliens may submit, 13 to U.S. Citizenship and Immigration Services, 14 an application for a merit-based immigrant visa 15 that contains such information as the Secretary 16 may reasonably require. 17 "(B) ADJUDICATION.—Before the last day 18 of each fiscal year in which applications are 19 filed pursuant to subparagraph (A), the Direc-20 tor, U.S. Citizenship and Immigration Services, 21 shall— 22 "(i) review the applications to deter-23 mine which aliens will be granted a merit-24 based immigrant visa in the following fiscal

1	year in accordance with this subsection;
2	and
3	"(ii) in coordination with the Sec-
4	retary of State, provide such visas to all
5	successful applicants.
6	"(C) Fee.—An alien who is allocated a
7	visa under this subsection shall pay a fee of
8	\$1,500 in addition to any fee assessed to cover
9	the costs to process an application under this
10	subsection. Fees collected under this paragraph
11	shall be deposited by the Secretary into the
12	Comprehensive Immigration Reform Trust
13	Fund established under section 6(a)(1) of the
14	Border Security, Economic Opportunity, and
15	Immigration Modernization Act.

- On page 1160, strike lines 11 through 13, and insert the following:
- 18 (c) Effective Date.—The amendments made by 19 this section shall take effect on October 1, 2014.
- On page 1164, strike line 23, and insert the following:
- 22 (f) Applicability of Certain Grounds of Inad-23 missibility.—In determining an alien's inadmissibility

- 1 under this section, section 212(a)(9)(B) of the Immigra-
- 2 tion and Nationality Act (8 U.S.C. 1182(a)(9)(B)) shall
- 3 not apply.
- 4 (g) Eligibility in Years After 2028.—Beginning
- 5 in
- On page 1206, line 8, insert "or 201(b)(1)(N)" after
- 7 "203(b)(2)(B)".
- 8 On page 1263, between lines 17 and 18, insert the
- 9 following:
- 10 SEC. 2323. ENSURING COMPLIANCE WITH RESTRICTIONS
- 11 ON WELFARE AND PUBLIC BENEFITS FOR
- 12 ALIENS.
- 13 (a) General Prohibition.—No officer or employee
- 14 of the Federal Government may—
- 15 (1) waive compliance with any requirement in
- title IV of the Personal Responsibility and Work Op-
- portunity Reconciliation Act of 1996 (8 U.S.C. 1601
- et seq.) in effect on the date of enactment of this
- Act or with any restriction on eligibility for any form
- of assistance or benefit described in section 403(a)
- of the Personal Responsibility and Work Oppor-
- tunity Reconciliation Act of 1996 (8 U.S.C.

- 1 1613(a)) established under a provision of this Act or
 2 an amendment made by this Act;
- (2) waive the prohibition under subsection
 (d)(3) of section 245B of the Immigration and Nationality Act (as added by section 2101 of this Act)
 on eligibility for Federal means-tested public benefits for any alien granted registered provisional immigrant status under section 245B of the Immigration and Nationality Act;
 - (3) waive the prohibition under subsection (c)(3) of section 2211 of this Act on eligibility for Federal means-tested public benefits for any alien granted blue card status under that section;
 - (4) waive the prohibition under subsection (c) of section 2309 of this Act on eligibility for Federal means-tested public benefits for any noncitizen who is lawfully present in the United States pursuant to section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) (as amended by section 2309(a)); or
 - (5) waive the prohibition under subsection (w)(2)(C) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184(w)(2)(C)) (as added by section 4504(b) of this Act) on eligibility for any assistance or benefits described in section 403(a) of

- 1 the Personal Responsibility and Work Opportunity
- 2 Reconciliation Act of 1996 (8 U.S.C. 1613(a)) for
- any alien described in section 101(a)(15)(Y) of the
- 4 Immigration and Nationality Act (8 U.S.C.
- 5 1101(a)(15)(Y) (as added by section 4504 of this
- 6 Act) who is issued a nonimmigrant visa.
- 7 (b) Ensuring Compliance With Federal Wel-
- 8 FARE LAW.—
- 9 (1) No waiver of requirements.—Notwith-
- standing section 1115(a) of the Social Security Act
- 11 (42 U.S.C. 1315(a)), the Secretary of Health and
- Human Services shall not waive compliance by a
- 13 State, or otherwise permit a State to not comply,
- with the requirements for the temporary assistance
- for needy families program referenced in section
- 16 408(e) of the Social Security Act (42 U.S.C. 608(e))
- and the requirements for that program in section
- 18 408(g) of such Act (42 U.S.C. 608(g)).
- 19 (2) NO WAIVER OF PENALTIES.—The Secretary
- of Health and Human Services shall apply section
- 21 409 of the Social Security Act (42 U.S.C. 609) to
- any State that fails to comply with any of the re-
- quirements specified in paragraph (1).
- On page 1300, between lines 11 and 12, insert the
- 25 following:

- 1 SEC. 2554. UNITED STATES CITIZENSHIP FOR INTER-
- 2 NATIONALLY ADOPTED INDIVIDUALS.
- 3 (a) AUTOMATIC CITIZENSHIP.—Section 104 of the
- 4 Child Citizenship Act of 2000 (Public Law 106–395; 8
- 5 U.S.C. 1431 note) is amended to read as follows:
- 6 "SEC. 104. APPLICABILITY.
- 7 "The amendments made by this title shall apply to
- 8 any individual who satisfies the requirements under sec-
- 9 tion 320 or 322 of the Immigration and Nationality Act,
- 10 regardless of the date on which such requirements were
- 11 satisfied.".
- 12 (b) Modification of Preadoption Visitation
- 13 REQUIREMENT.—Section 101(b)(1)(F)(i) (8 U.S.C.
- 14 1101(b)(1)(F)(i)), as amended by section 2312, is further
- 15 amended by striking "at least twenty-five years of age,
- 16 who personally saw and observed the child prior to or dur-
- 17 ing the adoption proceedings;" and inserting "who is at
- 18 least 25 years of age, at least 1 of whom personally saw
- 19 and observed the child before or during the adoption pro-
- 20 ceedings;".
- (c) Automatic Citizenship for Children of
- 22 United States Citizens Who Are Physically
- 23 Present in the United States.—
- 24 (1) IN GENERAL.—Section 320(a)(3) (8 U.S.C.
- 25 1431(a)(3)) is amended to read as follows:

1	"(3) The child is physically present in the
2	United States in the legal custody of the citizen par-
3	ent pursuant to a lawful admission.".
4	(2) Applicability to individual's who no
5	LONGER HAVE LEGAL STATUS.—Notwithstanding
6	the lack of legal status or physical presence in the
7	United States, a person shall be deemed to meet the
8	requirements under section 320 of the Immigration
9	and Nationality Act, as amended by paragraph (1),
10	if the person—
11	(A) was born outside of the United States;
12	(B) was adopted by a United States citizen
13	before the person reached 18 years of age;
14	(C) was legally admitted to the United
15	States; and
16	(D) would have qualified for automatic
17	United States citizenship if the amendments
18	made by paragraph (1) had been in effect at
19	the time of such admission.
20	(d) Retroactive Application.—Section 320(b) (8
21	U.S.C. 1431(b)) is amended by inserting ", regardless of
22	the date on which the adoption was finalized" before the
23	period at the end.
24	(e) APPLICABILITY.—The amendments made by this
25	section shall apply to any individual adopted by a citizen

1	of the United States regardless of whether the adoption
2	occurred prior to, on, or after the date of the enactment
3	of the Child Citizenship Act of 2000.
4	SEC. 2555. TREATMENT OF CERTAIN PERSONS AS HAVING
5	SATISFIED ENGLISH AND CIVICS, GOOD
6	MORAL CHARACTER, AND HONORABLE SERV-
7	ICE AND DISCHARGE REQUIREMENTS FOR
8	NATURALIZATION.
9	(a) Immigration and Nationality Act.—The Im-
10	migration and Nationality Act is amended by inserting
11	after section 329A (8 U.S.C. 1440–1) the following new
12	section:
13	"SEC. 329B. PERSONS WHO HAVE RECEIVED AN AWARD FOR
14	ENGAGEMENT IN ACTIVE COMBAT OR ACTIVE
15	PARTICIPATION IN COMBAT.
16	"(a) In General.—
17	"(1) In general.—For purposes of naturaliza-
18	tion and continuing citizenship under the following
19	provisions of law, a person who has received an
20	award described in subsection (b) shall be treated—
21	"(A) as having satisfied the requirements
22	in sections 312(a), 316(a)(3), and subsections
23	(b)(3), (e), and (e) of section 328; and
24	"(B) except as provided in paragraph (2),
25	under sections 328 and 329, as having served

1	honorably in the Armed Forces for (in the case
2	of section 328) a period or periods aggregating
3	one year, and, if separated from such service,
4	as having been separated under honorable con-
5	ditions.
6	"(2) Revocation.—Notwithstanding para-
7	graph (1)(B), any person who separated from the
8	Armed Forces under other than honorable conditions
9	may be subject to revocation of citizenship under
10	section 328(f) or 329(c) if the other requirements of
11	such section are met.
12	"(b) APPLICATION.—This section shall apply with re-
13	spect to the following awards from the Armed Forces of
14	the United States:
15	"(1) The Combat Infantryman Badge from the
16	Army.
17	"(2) The Combat Medical Badge from the
18	Army.
19	"(3) The Combat Action Badge from the Army.
20	"(4) The Combat Action Ribbon from the
21	Navy, the Marine Corps, or the Coast Guard.
22	"(5) The Air Force Combat Action Medal.
23	"(6) Any other award that the Secretary of De-
24	fense determines to be an equivalent award for en-

- 1 gagement in active combat or active participation in
- 2 combat.".
- 3 (b) CLERICAL AMENDMENT.—The table of contents
- 4 of such Act (8 U.S.C. 1101 et seq.) is amended by insert-
- 5 ing after the item relating to section 329A the following:
 - "Sec. 329B. Persons who have received an award for engagement in active combat or active participation in combat.".
- 6 On page 1455, strike beginning with line 8 through
- 7 page 1456, line 15, and insert the following:
- 8 (3) Implementation report.—Not later than
- 9 60 days after the date of the enactment of this Act,
- the Secretary shall submit to the Committee on
- Homeland Security and Governmental Affairs of the
- 12 Senate and the Committee on Homeland Security of
- the House of Representatives a report the implemen-
- tation of the biometric exit data system referred to
- in paragraph (2), the impact of such system on any
- additional wait times for travelers, and projections
- for new officer personnel, including U.S. Customs
- and Border Protection officers.
- 19 (4) Effectiveness report.—Not later than
- 3 years after the date of the enactment of this Act,
- 21 the Secretary shall submit a report to Congress that
- analyzes the effectiveness of biometric exit data col-
- lection at the 10 airports referred to in paragraph
- 24 (2).

1	(5) Mandatory biometric exit data sys-
2	TEM.—Absent intervening action by Congress, the
3	Secretary, not later than 6 years after the date of
4	the enactment of this Act, shall establish a manda-
5	tory biometric exit data system at all the Core 30
6	international airports in the United States, as so
7	designated by the Federal Aviation Administration.
8	(6) Expansion of biometric exit data sys-
9	TEM TO MAJOR SEA AND LAND PORTS.—Not later
10	than 6 years after the date of the enactment of this
11	Act, the Secretary shall submit a plan to Congress
12	for the expansion of the biometric exit system to
13	major sea and land entry and exit points within the
14	United States based upon—
15	(A) the performance of the program estab-
16	lished pursuant to paragraph (2);
17	(B) the findings of the study conducted
18	pursuant to paragraph (4); and
19	(C) the projected costs to develop and de-
20	ploy an effective biometric exit data system.
21	(7) Data collection.—There are authorized
22	to be appropriated, from the Comprehensive Immi-
23	gration Reform Trust Fund established under sec-
24	tion 6(a)(1), such sums as may be necessary to
25	carry out this section.

- 1 On page 1469, after line 4 insert the following:
- 2 SEC. 3400. SHORT TITLE.
- 3 This subtitle may be cited as the "Frank R. Lauten-
- 4 berg Asylum and Refugee Reform Act".
- 5 On page 1505, line 11, strike "the term" and insert
- 6 "The term".
- 7 On page 1505, line 12, strike "or exchange visitor".
- 8 On page 1505, line 13, insert "and does not include
- 9 an exchange visitor (as defined in section 62.2 of title 22,
- 10 Code of Federal Regulations, or any similar successor reg-
- 11 ulation)" before the period.
- On page 1626, between lines 12 and 13, insert the
- 13 following:
- 14 Subtitle I—Providing Tools to Ex-
- 15 change Visitors and Exchange
- Visitor Sponsors to Protect Ex-
- 17 change Visitor Program Partici-
- pants and Prevent Trafficking
- 19 SEC. 3901. DEFINITIONS.
- 20 (a) In General.—Except as otherwise provided by
- 21 this subtitle, the terms used in this subtitle shall have the
- 22 same meanings, respectively, as are given those terms in

- 1 section 3 of the Fair Labor Standards Act of 1938 (29
- 2 U.S.C. 203), except that the term "employer" shall also
- 3 include a prospective employer seeking to hire exchange
- 4 visitors with which the sponsor has a contractual relation-
- 5 ship.

6 (b) Other Definitions.—

- (1) EXCHANGE VISITOR.—The term "exchange visitor" means a foreign national who is inquiring about or applying to participate in the exchange visitor program or who has successfully applied and has completed or is completing an exchange visitor programs not funded by the United States Government as governed by sections 2.22, 62.24, 62.30, 62.31, and 62.32 of title 22, Code of Federal Regulations.
 - (2) EXCHANGE VISITOR PROGRAM.—The term "exchange visitor program" means the international exchange program administered by the Department of State to implement the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), by means of educational and cultural programs.
 - (3) Exchange visitor program recruitment activities" means activities related

- to recruiting, soliciting, transferring, providing, obtaining, or facilitating participation of individuals who reside outside the United States in an exchange visitor program including when such activity occurs wholly outside the United States.
 - (4) EXCHANGE VISITOR PROGRAM SPONSOR; SPONSOR.—The term "exchange visitor program sponsor" or "sponsor" means a legal entity designated by the Secretary of State, in the Secretary's discretion, to conduct an exchange visitor program governed by sections 62.22, 62.24, 62.30, 62.31, and 62.32 of title 22, Code of Federal Regulations).
 - (5) FOREIGN ENTITY.—The term "foreign entity" means a person contracted by a sponsor to engage in exchange visitor program recruitment activities on the sponsor's behalf and any subcontractors thereof.
 - (6) Host entity.—The term "host entity" means "host organization", "primary or secondary accredited educational institution", "camp facility", "host family", or "employer/host employer" as used in sections 62.22, 62.24, 62.30, 62.31, and 62.32 of title 22, Code of Federal Regulations, respectively.

- 1 (7) Regulations.—Any reference to any pro-
- 2 vision of regulations shall include any successor pro-
- 3 vision addressing the same subject matter.

4 SEC. 3902. DISCLOSURE.

- 5 (a) Requirement for Disclosure at Time of
- 6 Exchange Visitor Program Recruitment Activ-
- 7 ITY.—Any person who engages in exchange visitor pro-
- 8 gram recruitment activity shall develop certain informa-
- 9 tion, previously approved by and on file with the exchange
- 10 visitor program sponsor, to be disclosed in writing in
- 11 English to the exchange visitor before the exchange visitor
- 12 pays fees described in section 3904, other than refundable
- 13 fees and a reasonable non-refundable deposit, or otherwise
- 14 detrimentally relies on information provided by an ex-
- 15 change program sponsor or foreign entity. This informa-
- 16 tion shall be made available to the Secretary of State, or
- 17 an exchange visitor requesting his or her own file, within
- 18 5 business days of request, consistent with program regu-
- 19 lations in part 62 of title 22, Code of Federal Regulations.
- 20 Not later than 18 months after the date of the enactment
- 21 of this Act, the Secretary of State shall, in consultation
- 22 with the Secretary of Labor, amend such regulations to
- 23 reflect the information to be disclosed, including the fol-
- 24 lowing:

- (1) The identity and address of the exchange visitor program sponsor, host entity, and any foreign entity with authority to charge fees and costs under section 3904.
 - (2) All assurances and terms and conditions of employment, from the prospective host entity of the exchange visitor, including place and period of employment, job duties, number of work hours, wages and compensation, and any deductions from wages and benefits, including deductions for housing and transportation. Nothing in this paragraph shall be construed to permit any charge, deduction, or expense prohibited by this or any other law.
 - (3) A copy of the prospective agreement between the exchange visitor program sponsor, exchange visitor, and the host entity.
 - (4) Information regarding the terms and conditions of the nonimmigrant status under which the exchange visitor is to be admitted, and the period of stay in the United States allowed for such non-immigrant status.
 - (5) A copy of the fee disclosure form as described in section 3904(d) listing the mandatory and optional costs or expenses to be charged to the exchange visitor.

1	(6) The existence of any labor organizing effort,
2	collective bargaining agreement, labor contract,
3	strike, lockout, or other labor dispute at the host en-
4	tity.
5	(7) Whether and the extent to which exchange
6	visitors will be compensated through workers' com-
7	pensation, private insurance, or otherwise for inju-
8	ries or death, including work-related injuries and
9	death, during the period of employment.
10	(8) A description of the sanctions the exchange
11	visitor program sponsor is currently subject to, if
12	any, as imposed by the Department of State.
13	(9) A statement in a form specified by the Sec-
14	retary of State—
15	(A) stating that in accordance with guide-
16	lines and regulations promulgated by the Sec-
17	retary —
18	(i) the costs and fees charged by the
19	exchange program sponsor, foreign entity,
20	and host entity do not exceed those per-
21	mitted by section 3904 and are legal under
22	the laws of the United States and the
23	home country of the exchange visitor; and
24	(ii) the exchange visitor program
25	sponsor, foreign entity, or host entity may

1 bear costs or fees not provided for in sec-2 tion 3904, but that fees under that section 3 cannot be passed along to the exchange visitor. 4 5 (10) Any education or training to be provided 6 or required, other than education or training pro-7 vided in accordance with section 62.10 (b) and (c) 8 of title 22, Code of Federal Regulations, as "pre-ar-9 rival information" or "orientation" and additional 10 orientation and training requirements as described 11 in each relevant category under sections 62.22, 12 62.24, 62.30, 62.31, and 62.32 of that title. 13 (11) A clear statement explaining that— 14 (A) except as provided in subparagraph 15 (B), no additional significant requirements or 16 significant changes may be made to the original 17 contract signed with a handwritten, electronic, 18 or digital pin code signature by the exchange 19 visitor without at least 24 hours to consider 20 such changes and the specific consent of the ex-21 change visitor, obtained voluntarily and without 22 threat of penalty; and 23 (B) changes may be made to the conditions 24 of employment contained in the original con-25 tract even if the exchange visitor has not had

- 24 hours to consider such changes, provided the
 2 exchange visitor has specifically consented to
 3 the changes, voluntarily and without threat of
 4 penalty, and such changes must be implemented
 5 without giving the exchange visitor 24 hours to
 6 consider them in order to protect the health or
 7 welfare of the exchange visitor.
- 8 (b) REQUIREMENT FOR RULES.—The Secretary of 9 State shall define by rule or guidance what constitutes 10 "refundable fees" and a "reasonable non-refundable de-11 posit" for the purpose subsection (a).
- 12 (c) Relationship to Labor and Employment
 13 Laws.—Nothing in the disclosure required by subsection
 14 (a) shall constitute a legal conclusion as to the exchange
 15 visitor's status or rights under the labor and employment
 16 laws.
- 17 (d) Prohibition on False and Misleading In-18 FORMATION AND CERTAIN FEES.—No exchange visitor program sponsor, foreign entity, or host entity who en-19 20 gages in any exchange visitor program activity shall know-21 ingly provide materially false or misleading information to 22 any exchange visitor concerning any matter required to 23 be disclosed under subsection (a). Charging fees for services not provided or assessing fees that exceed the amounts established by the Secretary of State pursuant

- 1 to section 3904 is a violation of this section. The disclo-
- 2 sure required by this section is a document concerning the
- 3 proper administration of a matter within the jurisdiction
- 4 of a department or agency of the United States for the
- 5 purposes of section 1519 of title 18, United States Code,
- 6 and other provisions of such title.
- 7 (e) Public Availability of Information.—The
- 8 Secretary of State shall amend its regulations at part 62
- 9 of title 22, Code of Federal Regulations, to require spon-
- 10 sors to make publicly available, including on their websites
- 11 and in recruiting materials, information regarding fees,
- 12 costs, and services associated with their exchange visitor
- 13 programs, including foreign entity names and contact
- 14 points, and other factors relevant to exchange visitors'
- 15 choice of sponsor or foreign entity.

16 SEC. 3903. PROHIBITION ON DISCRIMINATION.

- 17 (a) IN GENERAL.—It shall be unlawful for an ex-
- 18 change visitor program sponsor, foreign entity, or host en-
- 19 tity to fail or refuse to select, hire, discharge, intimidate,
- 20 threaten, restrain, coerce, or blacklist any individual or
- 21 otherwise discriminate against an individual with respect
- 22 to compensation, terms, conditions, or privileges of em-
- 23 ployment, because of such individual's race, color, creed,
- 24 sex, national origin, religion, age, or disability.

1 (b) DETERMINATIONS OF DISCRIMINATION.—For the 2 purposes of determining the existence of unlawful dis-3 crimination under subsection (a)— 4 (1) in the case of a claim of discrimination 5 based on race, color, sex, national origin, or religion, 6 the same legal standards shall apply as are applica-7 ble under title VII of the Civil Rights Act of 1964 8 (42 U.S.C. 2000e et seq.); 9 (2) in the case of a claim of discrimination 10 based on age, the same legal standards shall apply 11 as are applicable under the Age Discrimination in 12 Employment Act of 1967 (29 U.S.C. 621 et seq.); 13 and 14 (3) in the case of a claim of discrimination 15 based on disability, the same legal standards shall 16 apply as are applicable under title I of the Ameri-17 cans With Disabilities Act of 1990 as amended (42) 18 U.S.C. 12111 et seq.). 19 **SEC. 3904. FEES.** 20 (a) IN GENERAL.—Not later than 2 years after the 21 date of the enactment of this Act, the Secretary of State, 22 in consultation with the Secretary of Labor, shall promul-23 gate regulations to set limits on the mandatory fees charged by exchange visitor program sponsors, host enti-

ties, and their foreign entities to the exchange visitor. In

- 1 promulgating such regulations, the Secretary of State
- 2 shall conduct public meetings with exchange visitor pro-
- 3 gram sponsors, organizations representing exchange visi-
- 4 tors, and members of the public with expertise in public
- 5 diplomacy, educational and cultural exchange, labor mar-
- 6 kets, labor relations, migration, civil rights, human rights,
- 7 and prohibiting human trafficking. The Secretary of State
- 8 may, in the Secretary's discretion, consider factors includ-
- 9 ing what costs are within the control of sponsors, dif-
- 10 ferences among programs and countries, level and amount
- 11 of educational and cultural activities included, and services
- 12 rendered.
- 13 (b) Maximum Fees.—It shall be unlawful for any
- 14 person to charge a fee higher than the maximum allowable
- 15 fee as established by regulations promulgated under sub-
- 16 section (a), and any person who charges a higher fee shall
- 17 be liable under this subtitle. If a fee higher than the max-
- 18 imum is charged by a sponsor or foreign entity, the spon-
- 19 sor shall be liable. If a fee higher than the maximum allow-
- 20 able is charged by the host entity or a host entity's agent,
- 21 the host entity shall be liable.
- (c) Update of Maximum Fees.—The Secretary of
- 23 State shall update the maximum allowable fees described
- 24 in subsection (a) in response to changing economic condi-
- 25 tions and other factors as needed.

1 (d) FEE TRANSPARENCY.—The Secretary of State 2 shall amend its regulations at part 62 of title 22, Code 3 of Federal Regulations, to require exchange visitor pro-4 gram sponsors to— 5 (1) provide the Department of State annually 6 with an itemized list of fees charged to exchange vis-7 itor program participants including by their foreign 8 entities, subcontractors, or foreign entity's agents; 9 and 10 (2) require a 3-party document signed by the 11 exchange visitor, foreign entity, and sponsor that 12 outlines a basic level fee structure and itemizes man-13 datory and optional fees. 14 SEC. 3905. ANNUAL NOTIFICATION. 15 (a) Annual Exchange Visitor Program Sponsor 16 NOTIFICATION.— 17 (1) IN GENERAL.—Subject to paragraph (2), 18 prior to engaging in any exchange visitor program 19 activity, any person who seeks to be an exchange vis-20 itor program sponsor shall be designated by the Sec-21 retary of State pursuant to regulations that the Sec-22 retary of State has prescribed or shall prescribe 23 after the date of the enactment of this Act. 24 (2) Notification.—Each exchange visitor pro-

gram sponsor shall notify the Secretary of State, not

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- less frequently than once every year, of the identity of any third party, agent, or exchange visitor program sponsor employee involved in any exchange visitor program recruitment activity for, or on behalf of, the exchange visitor program sponsor.
 - (3) Personal Jurisdiction over foreign ENTITIES.—As a condition of initial and continued registration, each program sponsor shall obtain a written and signed agreement from any foreign entity. In that agreement, the foreign entity shall stipulate and agree, as a condition for receiving any payment or compensation for performing any work or service for the program sponsor, that the laws of the United States shall govern any and all disputes among and between the parties or the United States, including any enforcement actions, and that any dispute or enforcement action shall be brought in the United States District Court for the District of Columbia. The agreement shall be in such form and contain such other information as the Secretary of State shall prescribe.
 - (4) Noncompliance notification.—An host entity shall notify the Secretary of State upon gaining knowledge of noncompliance with this subtitle by an exchange visitor program sponsor. An exchange

- 1 visitor program sponsor shall notify the Secretary of
- 2 State upon gaining knowledge of noncompliance with
- 3 this subtitle by a host entity or foreign entity.
- 4 (b) REGULATIONS.—Not later than 180 days after
- 5 the date of the enactment of this Act, the Secretary of
- 6 State shall amend its regulations at part 62 of title 22,
- 7 Code of Federal Regulations, regarding the annual ex-
- 8 change visitor program sponsor notification.
- 9 (c) Refusal to Issue and Revocation of Des-
- 10 IGNATION.—The Secretary of State shall amend its regu-
- 11 lations at part 62 of title 22, Code of Federal Regulations,
- 12 to include the following bases for refusing to issue or
- 13 renew, or for revoking a sponsor's designation for a period
- 14 of not greater than 5 years:
- 15 (1) The applicant for, or holder of, the designa-
- tion has knowingly made a material misrepresenta-
- tion in the application for such designation.
- 18 (2) The applicant for, or holder of, the designa-
- 19 tion has committed any felony under State or Fed-
- eral law or any crime involving fraud, robbery, brib-
- ery, extortion, embezzlement, grand larceny, bur-
- 22 glary, arson, violation of narcotics laws, murder,
- rape, trafficking in persons, assault with intent to
- kill, assault which inflicts grievous bodily injury,
- prostitution, peonage, or smuggling or harboring in-

- dividuals who have entered the United States ille-gally.
- 3 (3) The applicant for, or holder of, the designa-4 tion has committed any crime relating to gambling, 5 or to the sale, distribution, or possession of alcoholic 6 beverages, in connection with or incident to any ex-7 change visitor recruitment activities.
- 8 (4) Such other criteria as the Secretary of State
 9 may, in the Secretary's discretion, establish.

10 SEC. 3906. BONDING REQUIREMENT.

- 11 (a) IN GENERAL.—The Secretary of State may as-
- 12 sess a bond amount sufficient to ensure the ability of a
- 13 sponsor to discharge its responsibilities and to ensure pro-
- 14 tection of exchange visitors, including wages or stipends.
- 15 In requiring a sponsor to post the bond, the Secretary of
- 16 State shall take into account the degree to which the spon-
- 17 sor's assets can be reached by United States courts.
- 18 (b) Regulations.—The Secretary of State, by regu-
- 19 lation, shall establish the conditions under which the bond
- 20 amount is determined, paid, and forfeited, which shall in-
- 21 clude the sponsor's history of compliance.
- (c) Relationship to Other Remedies.—The bond
- 23 requirements and forfeiture of the bond under this section
- 24 shall be in addition to or, pursuant to court order, in con-

- 1 junction with, other remedies under 3910 or any other
- 2 provision of law.
- 3 SEC. 3907. MAINTENANCE OF LISTS.
- 4 (a) In General.—The Secretary of State shall work
- 5 with the Secretary of Homeland Security to ensure that
- 6 the information described in paragraphs (1) through (4)
- 7 of subsection (b) is included on the foreign entity list kept
- 8 and updated pursuant to section 3607 and shall share that
- 9 list with the Department of Labor.
- 10 (b) Information.—Not later than 1 year after the
- 11 date of the enactment of this Act, each sponsor shall com-
- 12 pile and share with the Secretary of State on a regular
- 13 basis a list that includes the following information:
- 14 (1) The countries from which the sponsor re-
- cruits.
- 16 (2) The host entities for whom the sponsor re-
- 17 cruits.
- 18 (3) The occupations for which the sponsor re-
- 19 cruits.
- 20 (4) The States where recruited exchange visi-
- 21 tors are employed.
- (c) Limitation on Public Availability.—Neither
- 23 the Secretary of State nor the Secretary of Homeland Se-
- 24 curity shall make the information described in paragraphs

- 1 (1) through (4) of subsection (b) public as part of the list
- 2 described in section 3607.
- 3 SEC. 3908. AMENDMENT TO THE IMMIGRATION AND NA-
- 4 TIONALITY ACT.
- 5 Section 214 (8 U.S.C. 1184), as amended by title IV,
- 6 is further amended by adding at the end the following:
- 7 "(bb) A visa shall not be issued under section
- 8 101(a)(15) until the consular officer—
- 9 "(1) has confirmed that the applicant has re-
- 10 ceived, read, and understood the information and re-
- sources pamphlet required by section 202 of the Wil-
- liam Wilberforce Trafficking Victims Protection Re-
- 13 authorization Act of 2008 (8 U.S.C. 1375b); and
- 14 "(2) has reviewed and made a part of the visa
- 15 file the exchange visitor program sponsor disclosures
- required by section 3902 of the Border Security,
- 17 Economic Opportunity, and Immigration Moderniza-
- tion Act, including whether the exchange visitor pro-
- 19 gram sponsor is designated pursuant to that sec-
- 20 tion.".
- 21 SEC. 3909. RESPONSIBILITIES OF SECRETARY OF STATE.
- 22 (a) In General.—The Secretary of State shall en-
- 23 sure that each United States diplomatic mission has a per-
- 24 son who is responsible for receiving information from any

- 1 exchange visitor who has been subject to violations of this
- 2 subtitle.
- 3 (b) Provision of Information.—The responsible
- 4 person referred to in subsection (a) shall ensure that the
- 5 information received is provided to the Department of
- 6 State. The Department of State may share that informa-
- 7 tion as necessary with the Department of Justice, the De-
- 8 partment of Labor, and any other relevant Federal agen-
- 9 cy.
- 10 (c) MECHANISMS.—The Attorney General and the
- 11 Secretary of State shall ensure that there is a mechanism
- 12 for any actions that need to be taken in response to infor-
- 13 mation received under subsection (a).
- 14 (d) Assistance From Foreign Government.—
- 15 The person designated for receiving information pursuant
- 16 to subsection (a) is strongly encouraged to coordinate with
- 17 governments and civil society organizations in the coun-
- 18 tries of origin to ensure the exchange visitor receives addi-
- 19 tional support.
- 20 (e) Maintenance and Availability of Informa-
- 21 TION.—The Secretary of State shall ensure that con-
- 22 sulates coordinate with the Department of State to have
- 23 access to information regarding the identities of sponsors
- 24 and the foreign entities with whom sponsors contract for
- 25 exchange visitor program recruitment activities. The Sec-

- 1 retary of State shall ensure information on the identity
- 2 of sponsors is publicly available in written form on the
- 3 Department of State website, and information on the iden-
- 4 tity of foreign entities in each individual country is pub-
- 5 licly available on the websites of United States embassies
- 6 in each of those countries.

7 SEC. 3910. ENFORCEMENT PROVISIONS.

- 8 (a) Investigations.—The Secretary of State shall
- 9 undertake compliance actions and sanctions against ex-
- 10 change visitor program sponsors in accordance with part
- 11 62 of title 22, Code of Federal Regulations.
- 12 (b) Representation.—Except as provided in sec-
- 13 tion 518(a) of title 28, United States Code, the Attorney
- 14 General may appear for and represent the Secretary in
- 15 any civil litigation brought under this paragraph. All such
- 16 litigation shall be subject to the direction and control of
- 17 the Attorney General. Exchange visitor sponsors shall be
- 18 allowed a reasonable period of inquiry and response before
- 19 civil litigation is initiated.
- 20 (c) Enforcement.—The Secretary of State or an
- 21 exchange visitor who is subject to any violation of this sub-
- 22 title may bring a civil action against an exchange visitor
- 23 program sponsor, foreign entity, or host entity in a court
- 24 of competent jurisdiction and recover appropriate relief,
- 25 including injunctive relief, damages, reasonable attorneys'

fees and costs, and any other remedy that would effectuate the purposes of this subtitle. Any action must be filed 2 3 within 3 years after the date on which the exchange visitor became aware of the violation, but under no circumstances 4 5 more than 5 years after the date on which the violation 6 occurred. 7 (d) Actions by the Secretary of State or an 8 EXCHANGE VISITOR.—If the court finds in a civil action filed under this section that the defendant has violated any 10 provision of this subtitle (or any regulation issued pursu-11 ant to this subtitle), the court may award damages, up 12 to and including an amount equal to the amount of actual 13 damages, and statutory damages of up to \$1,000 per 14 plaintiff per violation, or other equitable relief, except that 15 with respect to statutory damages— 16 (1) multiple infractions of a single provision of 17 this subtitle (or of a regulation under this subtitle) 18 shall constitute only 1 violation for purposes of sec-19 tion 3902(a) to determine the amount of statutory 20 damages due a plaintiff; and 21 (2) if such complaint is certified as a class ac-22 tion the court may award— 23 (A) damages up to an amount equal to the

amount of actual damages; and

1 (B) statutory damages of not more than 2 the lesser of up to \$1,000 per class member per 3 violation, or up to \$500,000; 4 (C) other equitable relief; 5 (D) reasonable attorneys' fees and costs; 6 and 7 (E) such other and further relief, including 8 declaratory and injunctive relief, as necessary to 9 effectuate the purposes of this subtitle. 10 (e) Bond.—To satisfy the damages, fees, and costs 11 found owing under this section, as much of the bond held 12 pursuant to section 3906 shall be released as necessary. 13 (f) APPEAL.—Any civil action brought under this sec-14 tion shall be subject to appeal as provided in chapter 83 15 of title 28, United States Code. 16 (g) SAFE HARBOR.—A host entity shall not have any liability under this section for the actions or omissions of 18 an exchange visitor program sponsor that has a valid des-19 ignation with the State Department pursuant to section 20 3905, unless and to the extent that the host entity has 21 engaged in conduct that violates this subtitle. 22 (h) Liability for Foreign Entities.—Exchange 23 visitor program sponsors shall be liable for violations of this subtitle by any foreign employees, agents, foreign entities, or subcontractees of any level in relation to the ex-

- 1 change visitor program recruitment activities of the for-
- 2 eign employees, agents, foreign entities, or subcontractees
- 3 to the same extent as if the exchange visitor program
- 4 sponsor had committed the violation, unless the exchange
- 5 visitor program sponsor—
- 6 (1) uses reasonable procedures to protect
- 7 against violations of this subtitle by foreign employ-
- 8 ees, agents, foreign entities, or subcontractees (in-
- 9 cluding contractually forbidding in writing any for-
- eign employees, agents, foreign entities, or
- subcontractees from seeking or receiving prohibited
- fees from workers);
- 13 (2) does not act with reckless disregard of the
- fact that foreign employees, agents, foreign entities,
- or subcontractees have violated any provision of this
- subtitle; and
- 17 (3) timely reports any potential violations to the
- 18 Secretary of State.
- 19 (i) Waiver of Rights.—Agreements between ex-
- 20 change visitors with sponsors, foreign entities, or host en-
- 21 tities purporting to waive or to modify their rights under
- 22 this subtitle shall be void as contrary to public policy.
- 23 (j) Retaliation.—No person shall intimidate,
- 24 threaten, restrain, coerce, discharge, or in any other man-
- 25 ner discriminate or retaliate against any exchange visitor

- 1 or his or her family members (including a former exchange
- 2 visitor or an applicant for employment) because such ex-
- 3 change visitor disclosed information to any person that the
- 4 exchange visitor reasonably believes evidences a violation
- 5 of this section (or any rule or regulation pertaining to this
- 6 section), including speaking with a worker organization,
- 7 seeking legal assistance of counsel, or cooperating with an
- 8 investigation or other proceeding concerning compliance
- 9 with this section (or any regulation pertaining to this sec-
- 10 tion).
- 11 (k) Prohibition on Retaliation.—It shall be un-
- 12 lawful for an exchange visitor program sponsor or foreign
- 13 entity to terminate or remove from the exchange visitor
- 14 program, ban from the program, adversely annotate an ex-
- 15 change visitor's SEVIS (as defined in section 4902)
- 16 record, fire, demote, take other adverse employment ac-
- 17 tion, or evict, or to threaten to take any of such actions
- 18 against an exchange visitor in retaliation for the act of
- 19 complaining about program conditions, including housing
- 20 and job placements, wages, hours, and general treatment,
- 21 or for disclosing retaliation by an exchange visitor sponsor,
- 22 exchange visitor foreign entity, or host entity against any
- 23 exchange visitor.
- (l) Presence During Pendency of Actions.—If
- 25 other immigration relief is not available to the exchange

- 1 visitor, the Secretary of Homeland Security may permit,
- 2 only on the basis of proof, the exchange visitor to remain
- 3 lawfully in the United States for the time sufficient to
- 4 allow the exchange visitor to fully and effectively partici-
- 5 pate in all legal proceedings related to any action taken
- 6 pursuant to this section.
- 7 (m) Access to Legal Services Corporation.—
- 8 Notwithstanding any other provision of law, the Legal
- 9 Services Corporation and recipients of its funding may
- 10 provide legal assistance on behalf of any alien with respect
- 11 to any provision of this subtitle.
- 12 (n) Host Entity Violations.—The Secretary, in
- 13 consultation with the Secretary of Labor, shall maintain
- 14 a list of host entities against whom there has been a com-
- 15 plaint substantiated by the Department of State for sig-
- 16 nificant program violations. Information from that list
- 17 shall be made available to sponsors upon request.
- 18 SEC. 3911. AUDITS AND TRANSPARENCY.
- 19 (a) Compliance Audits.—
- 20 (1) IN GENERAL.—The Secretary of State shall
- 21 by regulation require audit reports to be filed by ex-
- change visitor program sponsors operating under the
- following specific program categories, as described
- under subpart B of part 62 of title 22, Code of Fed-
- eral Regulations, and any successor regulations:

1	(A) Summer work travel.
2	(B) Trainees and interns.
3	(C) Camp counselors.
4	(D) Au pairs.
5	(E) Teachers.
6	(2) Audit reports shall be
7	filed with the Department of State and be conducted
8	by a certified public accountant, qualified auditor, or
9	licensed attorney pursuant to a format designated by
10	the Secretary of State, attesting to the sponsor's
11	compliance with the regulatory and reporting re-
12	quirements set forth in part 62 of title 22, Code of
13	Federal Regulations. The report shall be conducted
14	at the expense of the sponsor and no more fre-
15	quently than on a biannual basis.
16	(b) Annual Report.—Not later than 1 year after
17	the date of the enactment of this Act, and annually there-
18	after, the Secretary of State shall submit to Congress a
19	report on the exchange visitor program, which shall detail
20	for each specific program category—
21	(1) summary data on the number of exchange
22	visitors and countries participating in that category
23	(2) public diplomacy outcomes; and
24	(3) recent sanctions imposed by the Depart-
25	ment of State.

- 1 On page 1630, strike lines 3 through 11 and insert
- 2 the following:
- 3 "(C) An allocation adjustment under clause (i), (ii),
- 4 (iii), or (iv) of subparagraph (B)—
- 5 "(i) may not increase the numerical limitation
- 6 contained in paragraph (9)(A) to a number above
- 7 180,000; and
- 8 "(ii) may not take place to make additional
- 9 nonimmigrant visas available for any fiscal year in
- which the national occupational unemployment rate
- for 'Management, Professional, and Related Occupa-
- tions', as published by the Bureau of Labor Statis-
- tics each month, averages 4.5 percent or greater
- over the 12-month period preceding the date of the
- 15 Secretary's determination of whether the cap should
- be increased or decreased.".
- On page 1677, line 13, after "entity" insert ", other
- 18 than a public institution of higher education,".
- On page 1680, line 25, after "employer" insert
- 20 "(other than nonprofit education and research institu-
- 21 tions)".

- 1 On page 1681, line 25, strike "who" and insert
- 2 "(other than nonprofit education and research institu-
- 3 tions) that".
- 4 On page 1735, strike lines 4 through 8 and insert
- 5 the following:
- 6 (2) by amending subparagraph (B) to read as
- 7 follows:
- 8 "(B) The applicable numerical limitation referred to
- 9 in subparagraph (A) for each fiscal year is—
- "(i) 10,500 for each of the nationalities identi-
- fied in clause (iii) of section 101(a)(15)(E); and
- "(ii) 10,500 for all aliens described in clause
- (vi) of such section.".
- On page 1741, strike line 22 and all that follows
- 15 through page 1742, line 22, and insert the following:
- 16 "(e) J-1 Summer Work Travel Participant
- 17 Fee.—In addition to the fees authorized under subsection
- 18 (a), the Secretary of State shall collect a \$100 fee from
- 19 each nonimmigrant entering under the Summer Work
- 20 Travel program conducted by the Secretary of State pur-
- 21 suant to the Foreign Affairs Reform and Restructuring
- 22 Act of 1998 (division G of Public Law 105–277; 112 Stat.
- 23 2681–761). Fees collected under this subsection shall be

- 1 deposited into the Comprehensive Immigration Reform
- 2 Trust Fund established under section 6(a)(1) of the Bor-
- 3 der Security, Economic Opportunity, and Immigration
- 4 Modernization Act.".
- 5 On page 1743, lines 1 and 2, strike "FOR SPEAK-
- 6 ERS OF CERTAIN FOREIGN LANGUAGES".
- 7 On page 1743, line 3, strike "IN GENERAL" and in-
- 8 sert "Speakers of Certain Foreign Languages".
- 9 On page 1744, between lines 16 and 17, insert the
- 10 following:
- 11 (c) Summer Work Travel Program Employment
- 12 IN SEAFOOD PROCESSING.—Notwithstanding any other
- 13 provision of law or regulation, including part 62 of title
- 14 22, Code of Federal Regulations, or any proposed rule,
- 15 the Secretary of State shall permit participants in the
- 16 Summer Work Travel program described in section 62.32
- 17 of such title 22 who are admitted under section
- 18 101(a)(15)(J) of the Immigration and Nationality Act (8
- 19 U.S.C. 1101(a)(15)(J), as amended by subsection (a), to
- 20 be employed in seafood processing positions in Alaska.

1	On page 1756, between lines 5 and 6, insert the fol-
2	lowing:
3	SEC. 4416. INTERNATIONAL PARTICIPATION IN THE PER
4	FORMING ARTS.
5	Section $214(c)(6)(D)$ (8 U.S.C. $1184(c)(6)(D)$) is
6	amended—
7	(1) in the first sentence, by inserting "(i)" be-
8	fore "Any person";
9	(2) in the second sentence—
10	(A) by striking "Once" and inserting "Ex-
11	cept as provided in clause (ii), once"; and
12	(B) by striking "Attorney General shall"
13	and inserting "Secretary of Homeland Security
14	shall'';
15	(3) in the third sentence, by striking "The At-
16	torney General" and inserting "The Secretary"; and
17	(4) by adding at the end the following:
18	"(ii) The Secretary of Homeland Security shall adju-
19	dicate each petition for an alien with extraordinary ability
20	in the arts (as described in section 101(a)(15)(O)(i)), and
21	alien accompanying such an alien (as described in clauses
22	(ii) and (iii) of section 101(a)(15)(O)), or an alien de-
23	scribed in section 101(a)(15)(P) (other than an alien de-
24	scribed in paragraph (4)(A) (relating to athletes)) not
25	later than 14 days after—

1 "(I) the date on which the petitioner submits 2 the petition with a written advisory opinion, letter of 3 no objection, or request for a waiver; or 4 "(II) the date on which the 15-day period de-5 scribed in clause (i) has expired, if the petitioner has 6 had an appropriate opportunity to supply rebuttal 7 evidence. 8 "(iii) If a petition described in clause (ii) is not adjudicated before the end of the 14-day period described in 10 clause (ii) and the petitioner is an arts organization de-11 scribed in paragraph (3), (5), or (6) of section 501(c) of 12 the Internal Revenue Code of 1986 and exempt from tax 13 under section 501(a) of such Code for the taxable year preceding the calendar year in which the petition is sub-14 15 mitted, or an individual or entity petitioning primarily on behalf of such an organization, the Secretary of Homeland 16 17 Security shall provide the petitioner with the premium 18 processing services referred to in section 286(u), without 19 a fee.". SEC. 4417. LIMITATION ON ELIGIBILITY OF CERTAIN NON-21 IMMIGRANTS FOR HEALTH-RELATED PRO-22 GRAMS. 23 (a) IN GENERAL.—Section 1903(v)(4)(A) of the Social Security Act (42 U.S.C. 1396b(v)(4)(A)) is amended by inserting ", but not including a nonimmigrant de-

- 1 scribed in subparagraph (B) or (F) of section 101(a)(15)
- 2 of the Immigration and Nationality Act" after "section
- 3 431(c) of such Act".

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- 4 (b) Conforming Changes to Regulations.—
- 5 (1) Secretary of Health and Human Serv-6 ICES.—The Secretary of Health and Human Serv-7 ices shall conform all regulations promulgated by the 8 Secretary of Health and Human Services that ref-9 erence the term "lawfully present" for purposes of 10 health-related programs administered by the Sec-11 retary of Health and Human Services to reflect the 12 amendment made by subsection (a) to the definition of "lawfully residing" in section 1903(v)(4)(A) of 13 14 the Social Security Act (42 U.S.C. 1396b(v)(4)(A)).
 - (2) SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall make the same changes to regulations promulgated by the Secretary of the Treasury that reference the term "lawfully present" for purposes of health-related programs administered by the Secretary of the Treasury as the Secretary of Health and Human Services makes under paragraph (1).
- On page 1791, line 24, strike "INCOME" and insert "UIRECT PAYMENTS".

1	On page 1792, lines 1 and 2, strike "income" and
2	insert "direct payments".
3	On page 1793, between lines 17 and 18, insert the
4	following:
5	SEC. 4607. AMERICAN JOBS IN AMERICAN FORESTS.
6	(a) Short Title.—This section may be cited as the
7	"American Jobs in American Forests Act of 2013".
8	(b) Definitions.—In this section:
9	(1) Forestry.—The term "forestry" means—
10	(A) propagating, protecting, and managing
11	forest tracts;
12	(B) felling trees and cutting them into
13	$\log s;$
14	(C) using hand tools or operating heavy
15	powered equipment to perform activities such as
16	preparing sites for planting, tending crop trees,
17	reducing competing vegetation, moving logs, pil-
18	ing brush, and yarding and trucking logs from
19	the forest; and
20	(D) planting seedlings and trees.
21	(2) H–2B NONIMMIGRANT.—The term "H–2B
22	nonimmigrant' means a nonimmigrant described in
23	section 101(a)(15)(H)(ii)(b) of the Immigration and
24	Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

1	(3) Prospective H-2B employer.—The term
2	"prospective H–2B employer" means a United
3	States business that is considering employing 1 or
4	more nonimmigrants described in section
5	101(a)(15)(H)(ii)(b) of the Immigration and Nation-
6	ality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).
7	(4) State workforce agency.—The term
8	"State workforce agency" means the workforce
9	agency of the State in which the prospective H–2B
10	employer intends to employ H–2B nonimmigrants.
11	(c) Department of Labor.—
12	(1) Recruitment.—As a component of the
13	labor certification process required before H–2B
14	nonimmigrants are offered forestry employment in
15	the United States, the Secretary of Labor shall re-
16	quire all prospective H-2B employers, before they
17	submit a petition to hire H-2B nonimmigrants to
18	work in forestry, to conduct a robust effort to re-
19	cruit United States workers, including, to the extent
20	the State workforce agency considers appropriate—
21	(A) advertising at employment or job-
22	placement events, such as job fairs;
23	(B) placing the job opportunity with the
24	State workforce agency and working with such

1	agency to identify qualified and available
2	United States workers;
3	(C) advertising in appropriate media, in-
4	cluding local radio stations and commonly used,
5	reputable Internet job-search sites; and
6	(D) such other recruitment efforts as the
7	State workforce agency considers appropriate
8	for the sector or positions for which H–2B non-
9	immigrants would be considered.
10	(2) Separate certifications and peti-
11	TIONS.—A prospective H–2B employer shall submit
12	a separate application for temporary employment
13	certification and petition for each State in which the
14	employer plans to employ H-2B nonimmigrants in
15	forestry for a period of 7 days or longer. The Sec-
16	retary of Labor shall review each application for
17	temporary employment certification and decide sepa-
18	rately whether certification is warranted.
19	(d) STATE WORKFORCE AGENCIES.—The Secretary
20	of Labor may not grant a temporary labor certification
21	to a prospective H–2B employer seeking to employ H–2B
22	nonimmigrants in forestry until after the Director of the
23	State workforce agency, in each State in which such work-
24	ers are sought—

certifying that—

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(1) submits a report to the Secretary of Labor

3	(A) the employer has complied with all re-
4	cruitment requirements set forth in subsection
5	(c)(1) and there is legitimate demand for the
6	employment of H–2B nonimmigrants in each of
7	those States; or
8	(B) the employer has amended the applica-
9	tion by removing or making appropriate modi-
10	fications with respect to the States in which the
11	criteria set forth in subparagraph (A) have not
12	been met; and
13	(2) makes a formal determination that nation-
14	als of the United States are not qualified or avail-
15	able to fill the employment opportunities offered by
16	the prospective H–2B employer.
17	On page 1797, line 12, after the period insert "Such
18	methodology must designated Alaskan seafood processing
19	in zones 1, 2, and 3 as shortage occupations.".
20	On page 1797, line 16, after the period insert "Alas-
21	kan seafood processing in zones 1, 2, and 3 must be des-
22	ignated as shortage occupations.".
23	At the end, add the following:

than 25;

1 TITLE V—JOBS FOR YOUTH

-	
2	SEC. 5101. DEFINITIONS.
3	In this title:
4	(1) CHIEF ELECTED OFFICIAL.—The term
5	"chief elected official" means the chief elected execu
6	tive officer of a unit of local government in a local
7	workforce investment area or in the case in which
8	such an area includes more than one unit of genera
9	government, the individuals designated under an
10	agreement described in section $117(e)(1)(B)$ of the
11	Workforce Investment Act of 1998 (29 U.S.C
12	2832(e)(1)(B)).
13	(2) Local workforce investment area.—
14	The term "local workforce investment area" means
15	such area designated under section 116 of the Work
16	force Investment Act of 1998 (29 U.S.C. 2831).
17	(3) Local workforce investment board.—
18	The term "local workforce investment board" means
19	such board established under section 117 of the
20	Workforce Investment Act of 1998 (29 U.S.C
21	2832).
22	(4) Low-income youth.—The term "low-in
23	come youth" means an individual who—
24	(A) is not younger than 16 but is younger

1	(B) meets the definition of a low-income
2	individual provided in section 101(25) of the
3	Workforce Investment Act of 1998 (29 U.S.C.
4	2801(25)), except that States and local work-
5	force investment areas, subject to approval in
6	the applicable State plans and local plans, may
7	increase the income level specified in subpara-
8	graph (B)(i) of such section to an amount not
9	in excess of 200 percent of the poverty line for
10	purposes of determining eligibility for participa-
11	tion in activities under section 5103; and
12	(C) is in one or more of the categories
13	specified in section 101(13)(C) of the Work-
14	force Investment Act of 1998 (29 U.S.C.
15	2801(13)(C)).
16	(5) POVERTY LINE.—The term "poverty line"
17	means a poverty line as defined in section 673 of the
18	Community Services Block Grant Act (42 U.S.C.
19	9902), applicable to a family of the size involved.
20	(6) State.—The term "State" means each of
21	the several States of the United States, and the Dis-
22	trict of Columbia.
23	SEC. 5102. ESTABLISHMENT OF YOUTH JOBS FUND.
24	(a) Establishment.—There is established in the
25	Treasury of the United States an account that shall be

- 1 known as the Youth Jobs Fund (referred to in this title
- 2 as "the Fund").
- 3 (b) Deposits Into the Fund.—Out of any
- 4 amounts in the Treasury not otherwise appropriated, there
- 5 is appropriated \$1,500,000,000 for fiscal year 2014,
- 6 which shall be paid to the Fund, to be used by the Sec-
- 7 retary of Labor to carry out this title.
- 8 (c) Availability of Funds.—Of the amounts de-
- 9 posited into the Fund under subsection (b), the Secretary
- 10 of Labor shall allocate \$1,500,000,000 to provide summer
- 11 and year-round employment opportunities to low-income
- 12 youth in accordance with section 5103.
- 13 (d) Period of Availability.—The amounts appro-
- 14 priated under this title shall be available for obligation by
- 15 the Secretary of Labor until December 31, 2014, and shall
- 16 be available for expenditure by grantees (including sub-
- 17 grantees) until September 30, 2015.
- 18 SEC. 5103. SUMMER EMPLOYMENT AND YEAR-ROUND EM-
- 19 PLOYMENT OPPORTUNITIES FOR LOW-IN-
- 20 COME YOUTH.
- 21 (a) IN GENERAL.—From the funds available under
- 22 section 5102(c), the Secretary of Labor shall make an al-
- 23 lotment under subsection (c) to each State that has a
- 24 modification to a State plan approved under section 112
- 25 of the Workforce Investment Act of 1998 (29 U.S.C.

- 1 2822) (referred to in this section as a "State plan modi-
- 2 fication") (or other State request for funds specified in
- 3 guidance under subsection (b)) approved under subsection
- 4 (d) and recipient under section 166(c) of the Workforce
- 5 Investment Act of 1998 (29 U.S.C. 2911(c)) (referred to
- 6 in this section as a "Native American grantee") that
- 7 meets the requirements of this section, for the purpose of
- 8 providing summer employment and year-round employ-
- 9 ment opportunities to low-income youth.
- 10 (b) Guidance and Application of Require-
- 11 MENTS.—
- 12 (1) Guidance.—Not later than 20 days after
- the date of enactment of this Act, the Secretary of
- 14 Labor shall issue guidance regarding the implemen-
- 15 tation of this section.
- 16 (2) Procedures.—Such guidance shall, con-
- sistent with this section, include procedures for—
- 18 (A) the submission and approval of State
- plan modifications, for such other forms of re-
- quests for funds by the State as may be identi-
- 21 fied in such guidance, for modifications to local
- plans approved under section 118 of the Work-
- 23 force Investment Act of 1998 (29 U.S.C. 2833)
- 24 (referred to individually in this section as a
- 25 "local plan modification"), or for such other

1	forms of requests for funds by local workforce
2	investment areas as may be identified in such
3	guidance, that promote the expeditious and ef-
4	fective implementation of the activities author-
5	ized under this section; and
6	(B) the allotment and allocation of funds,
7	including reallotment and reallocation of such
8	funds, that promote such implementation.
9	(3) Requirements.—Except as otherwise pro-
10	vided in the guidance described in paragraph (1)
11	and in this section and other provisions of this title,
12	the funds provided for activities under this section
13	shall be administered in accordance with the provi-
14	sions of subtitles B and E of title I of the Workforce
15	Investment Act of 1998 (29 U.S.C. 2811 et seq.,
16	2911 et seq.) relating to youth activities.
17	(c) State Allotments.—
18	(1) IN GENERAL.—Using the funds described in
19	subsection (a), the Secretary of Labor shall allot to
20	each State the total of the amounts assigned to the
21	State under subparagraphs (A) and (B) of para-
22	graph (2).
23	(2) Assignments to states.—
24	(A) MINIMUM AMOUNTS.—Using funds de-
25	scribed in subsection (a), the Secretary of

1	Labor shall assign to each State an amount
2	equal to $\frac{1}{2}$ of 1 percent of such funds.
3	(B) FORMULA AMOUNTS.—The Secretary
4	of Labor shall assign the remainder of the
5	funds described in subsection (a) among the
6	States by assigning—
7	(i) $33\frac{1}{3}$ percent on the basis of the
8	relative number of individuals in the civil-
9	ian labor force who are not younger than
10	16 but younger than 25 in each State,
11	compared to the total number of individ-
12	uals in the civilian labor force who are not
13	younger than 16 but younger than 25 in
14	all States;
15	(ii) 33½ percent on the basis of the
16	relative number of unemployed individuals
17	in each State, compared to the total num-
18	ber of unemployed individuals in all States;
19	and
20	(iii) 33½ on the basis of the relative
21	number of disadvantaged young adults and
22	youth in each State, compared to the total
23	number of disadvantaged young adults and
24	youth in all States.

1	(3) REALLOTMENT.—If the Governor of a State
2	does not submit a State plan modification or other
3	State request for funds specified in guidance under
4	subsection (b) by the date specified in subsection
5	(d)(2)(A), or a State does not receive approval of
6	such State plan modification or request, the amount
7	the State would have been eligible to receive pursu-
8	ant to paragraph (1) shall be allocated to States
9	that receive approval of State plan modifications or
10	requests specified in the guidance. Each such State
11	shall receive a share of the total amount available
12	for reallotment under this paragraph, in accordance
13	with the State's share of the total amount allotted
14	under paragraph (1) to such State.
15	(4) Definitions.—For purposes of paragraph
16	(2), the term "disadvantaged young adult or youth"
17	means an individual who is not younger than 16 but
18	is younger than 25 who received an income, or is a
19	member of a family that received a total family in-
20	come, that, in relation to family size, does not exceed
21	the higher of—
22	(A) the poverty line; or
23	(B) 70 percent of the lower living standard
24	income level.
25	(d) STATE PLAN MODIFICATION.—

(1) In general.—For a State to be eligible to
receive an allotment of funds under subsection (c)
the Governor of the State shall submit to the Sec-
retary of Labor a State plan modification, or other
State request for funds specified in guidance under
subsection (b), in such form and containing such in-
formation as the Secretary may require. At a min-
imum, such State plan modification or request shall
include—
(A) a description of the strategies and ac-
tivities to be carried out to provide summer em-
ployment opportunities and year-round employ-
ment opportunities, including linkages to train-
ing and educational activities, consistent with
subsection (f);
(B) a description of the requirements the
State will apply relating to the eligibility of low-
income youth, consistent with section 5101(4),
for summer employment opportunities and year-
round employment opportunities, which require-
ments may include criteria to target assistance
to particular categories of such low-income
youth, such as youth with disabilities, con-
sistent with subsection (f);

1	(C) a description of the performance out-
2	comes to be achieved by the State through the
3	activities carried out under this section and the
4	processes the State will use to track perform-
5	ance, consistent with guidance provided by the
6	Secretary of Labor regarding such outcomes
7	and processes and with section 5104(b);
8	(D) a description of the timelines for im-
9	plementation of the strategies and activities de-
10	scribed in subparagraph (A), and the number of
11	low-income youth expected to be placed in sum-
12	mer employment opportunities, and year-round
13	employment opportunities, respectively, by
14	quarter;
15	(E) assurances that the State will report
16	such information, relating to fiscal, perform-
17	ance, and other matters, as the Secretary may
18	require and as the Secretary determines is nec-
19	essary to effectively monitor the activities car-
20	ried out under this section;
21	(F) assurances that the State will ensure
22	compliance with the requirements, restrictions
23	labor standards, and other provisions described
24	in section 5104(a); and

1	(G) if a local board and chief elected offi-
2	cial in the State will provide employment oppor-
3	tunities with the link to training and edu-
4	cational activities described in subsection
5	(f)(2)(B), a description of how the training and
6	educational activities will lead to the industry-
7	recognized credential involved.
8	(2) Submission and approval of state
9	PLAN MODIFICATION OR REQUEST.—
10	(A) Submission.—The Governor shall
11	submit the State plan modification or other
12	State request for funds specified in guidance
13	under subsection (b) to the Secretary of Labor
14	not later than 30 days after the issuance of
15	such guidance.
16	(B) APPROVAL.—The Secretary of Labor
17	shall approve the State plan modification or re-
18	quest submitted under subparagraph (A) within
19	30 days after submission, unless the Secretary
20	determines that the plan or request is incon-
21	sistent with the requirements of this section. If
22	the Secretary has not made a determination
23	within that 30-day period, the plan or request
24	shall be considered to be approved. If the plan

or request is disapproved, the Secretary may

1	provide a reasonable period of time in which the
2	plan or request may be amended and resub-
3	mitted for approval. If the plan or request is
4	approved, the Secretary shall allot funds to the
5	State under subsection (c) within 30 days after
6	such approval.
7	(3) Modifications to state plan or re-
8	QUEST.—The Governor may submit further modi-
9	fications to a State plan modification or other State
10	request for funds specified under subsection (b),
11	consistent with the requirements of this section.
12	(e) WITHIN-STATE ALLOCATION AND ADMINISTRA-
13	TION.—
14	(1) In general.—Of the funds allotted to the
15	State under subsection (c), the Governor—
16	(A) may reserve not more than 5 percent
17	of the funds for administration and technical
18	assistance; and
19	(B) shall allocate the remainder of the
20	funds among local workforce investment areas
21	within the State in accordance with clauses (i)
22	through (iii) of subsection (c)(2)(B), except
23	that for purposes of such allocation references
24	to a State in subsection (e)(2)(B) shall be
25	deemed to be references to a local workforce in-

vestment area and references to all States shall be deemed to be references to all local workforce investment areas in the State involved.

(2) Local Plan.—

(A) Submission.—In order to receive an allocation under paragraph (1)(B), the local workforce investment board, in partnership with the chief elected official for the local workforce investment area involved, shall submit to the Governor a local plan modification, or such other request for funds by local workforce investment areas as may be specified in guidance under subsection (b), not later than 30 days after the submission by the State of the State plan modification or other State request for funds specified in guidance under subsection (b), describing the strategies and activities to be carried out under this section.

(B) APPROVAL.—The Governor shall approve the local plan modification or other local request for funds submitted under subparagraph (A) within 30 days after submission, unless the Governor determines that the plan or request is inconsistent with requirements of this section. If the Governor has not made a deter-

mination within that 30-day period, the plan shall be considered to be approved. If the plan or request is disapproved, the Governor may provide a reasonable period of time in which the plan or request may be amended and resubmitted for approval. If the plan or request is approved, the Governor shall allocate funds to the local workforce investment area within 30 days after such approval.

(3) Reallocation.—If a local workforce investment board and chief elected official do not submit a local plan modification (or other local request for funds specified in guidance under subsection (b)) by the date specified in paragraph (2), or the Governor disapproves a local plan, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under paragraph (1)(B) shall be allocated to local workforce investment areas that receive approval of their local plan modifications or local requests for funds under paragraph (2). Each such local workforce investment area shall receive a share of the total amount available for reallocation under this paragraph, in accordance with the area's share of the total amount allo-

1	cated under paragraph (1)(B) to such local work-
2	force investment areas.
3	(f) Use of Funds.—
4	(1) In general.—The funds made available
5	under this section shall be used—
6	(A) to provide summer employment oppor-
7	tunities for low-income youth, with direct link-
8	ages to academic and occupational learning,
9	and may be used to provide supportive services,
10	such as transportation or child care, that is
11	necessary to enable the participation of such
12	youth in the opportunities; and
13	(B) to provide year-round employment op-
14	portunities, which may be combined with other
15	activities authorized under section 129 of the
16	Workforce Investment Act of 1998 (29 U.S.C.
17	2854), to low-income youth.
18	(2) Program priorities.—In administering
19	the funds under this section, the local board and
20	chief elected official shall give priority to—
21	(A) identifying employment opportunities
22	that are—
23	(i) in emerging or in-demand occupa-
24	tions in the local workforce investment
25	area; or

1	(ii) in the public or nonprofit sector
2	and meet community needs; and
3	(B) linking participants in year-round em-
4	ployment opportunities to training and edu-
5	cational activities that will provide such partici-
6	pants an industry-recognized certificate or cre-
7	dential (referred to in this title as an "industry-
8	recognized credential").
9	(3) Administration.—Not more than 5 per-
10	cent of the funds allocated to a local workforce in-
11	vestment area under this section may be used for
12	the costs of administration of this section.
13	(4) Performance accountability.—For ac-
14	tivities funded under this section, in lieu of meeting
15	the requirements described in section 136 of the
16	Workforce Investment Act of 1998 (29 U.S.C.
17	2871), States and local workforce investment areas
18	shall provide such reports as the Secretary of Labor
19	may require regarding the performance outcomes de-
20	scribed in section $5104(b)(5)$.
21	SEC. 5104. GENERAL REQUIREMENTS.
22	(a) Labor Standards and Protections.—Activi-
23	ties provided with funds made available under this title
24	shall be subject to the requirements and restrictions, in-
25	cluding the labor standards, described in section 181 of

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1	the Workforce Investment Act of 1998 (29 U.S.C. 2931)
2	and the nondiscrimination provisions of section 188 of
3	such Act (29 U.S.C. 2938), in addition to other applicable
4	Federal laws.
5	(b) Reporting.—The Secretary of Labor may re-
6	quire the reporting of information relating to fiscal, per-
7	formance and other matters that the Secretary determines
8	is necessary to effectively monitor the activities carried out
9	with funds provided under this title. At a minimum, recipi-
10	ents of grants (including recipients of subgrants) under
11	this title shall provide information relating to—
12	(1) the number of individuals participating in
13	activities with funds provided under this title and
14	the number of such individuals who have completed
15	such participation;
16	(2) the expenditures of funds provided under
17	this title;
18	(3) the number of jobs created pursuant to the
19	activities carried out under this title;
20	(4) the demographic characteristics of individ-
21	uals participating in activities under this title; and
22	(5) the performance outcomes for individuals
23	participating in activities under this title, includ-

1	(A) for low-income youth participating in
2	summer employment activities under section
3	5103, performance on indicators consisting of—
4	(i) work readiness skill attainment
5	using an employer validated checklist;
6	(ii) placement in or return to sec-
7	ondary or postsecondary education or
8	training, or entry into unsubsidized em-
9	ployment; and
10	(B) for low-income youth participating in
11	year-round employment activities under section
12	5103, performance on indicators consisting of—
13	(i) placement in or return to postsec-
14	ondary education;
15	(ii) attainment of a secondary school
16	diploma or its recognized equivalent;
17	(iii) attainment of an industry-recog-
18	nized credential; and
19	(iv) entry into, retention in, and earn-
20	ings in, unsubsidized employment.
21	(c) Activities Required To Be Additional.—
22	Funds provided under this title shall only be used for ac-
23	tivities that are in addition to activities that would other-
24	wise be available in the State or local workforce invest-
25	ment area in the absence of such funds.

1	(d) Additional Requirements.—The Secretary of
2	Labor may establish such additional requirements as the
3	Secretary determines may be necessary to ensure fiscal in-
4	tegrity, effective monitoring, and the appropriate and
5	prompt implementation of the activities under this title.
6	(e) Report of Information and Evaluations to
7	CONGRESS AND THE PUBLIC.—The Secretary of Labor
8	shall provide to the appropriate committees of Congress
9	and make available to the public the information reported
10	pursuant to subsection (b).
11	SEC. 5105. VISA SURCHARGE.
12	(a) Collection.—
13	(1) In general.—Subject to paragraph (2),
14	and in addition to any fees otherwise imposed for
15	such visas, the Secretary shall collect a surcharge of
16	\$10 from an employer that submits an application
17	for—
18	(A) an employment-based visa under para-
19	graph (3), (4), (5), or (6) of section 203(b) of
20	the Immigration and Nationality Act (8 U.S.C.
21	1153(b)); and
22	(B) a nonimmigrant visa under subpara-
23	graph (C), (H)(i)(b), (H)(i)(e), (H)(ii)(a),
24	(H)(ii)(B), (O) , (P) , (R) , or (W) of section
25	101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

1	(2) EXPIRATION.—The Secretary shall suspend
2	the collection of the surcharge authorized under
3	paragraph (1) on the date on which the Secretary
4	has collected a cumulative total of \$1,500,000,000
5	under this subsection.
6	(b) Deposit.—All of the amounts collected under
7	subsection (a)(1) shall be deposited in the general fund
8	of the Treasury.